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A HISTORY OF MODERN LIBERTY

A HISTORY OF MODERN LIBERTY.

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Vol. II. THE AGE OF THE REFORMATION.

Vol. III. THE STRUGGLE WITH THE STUARTS (1603-1647).

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A HISTORY

OF

MODERN LIBERTY.

BY

JAMES MACKINNON.

VOL. III.

THE STRUGGLE WITH THE STUARTS.

1603-1647.

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PREFACE TO VOLUMES III. AND IV.

THIS second instalment of my "History of Modern Liberty" is concerned with the struggle with the Stuarts in England and Scotland in the seventeenth century. It is the continuation of the attempt, exemplified in the two volumes already published, to trace the historical development of liberty throughout the modern age. In the first of these volumes I strove to elucidate the origins and results of that movement in behalf of political, municipal, and social emancipation in the Middle Ages which forms an indispensable introduction to the subject. In the second I dealt, more particularly, with the movements in favour of intellectual and religious emancipation, known as the Renascence and the Reformation, and, more generally, with their actual or potential political and social effects.

In accordance with the method of historic sequence which I have adopted, the transition from the Renascence and the Reformation to the struggle with the Stuarts in the seventeenth century forms the natural continuation of the subject. It was in this struggle that the forces making for human emancipation, already exemplified in the preceding centuries, especially in the sixteenth, were most fully illustrated for the time being. It was in England and Scotland, rather than in France, or Germany, or Italy, not to mention Spain, that the impulse to political, religious, and intellectual liberty, imparted by that century, found its most powerful, if not its exclusive expression. The age of the Renascence and the Reformation had, indeed, achieved great things in behalf of political, and especially of religious and intellectual liberty. Holland, for instance, presented to the world the spectacle of a small, but

indomitable people waging a heroic battle against the giant tyranny of Philip of Spain. Scotland, too, attempted to do, with transient success, against its Stuart queen what Holland had triumphantly and finally achieved against its Habsburg-Spanish ruler, though the reaction which set in under the son of that Stuart queen rendered it necessary for the Scots to resume, in the seventeenth century, the task imperfectly performed in the sixteenth. In France the Reformation produced the gigantic conflict for religious and political emancipation which raged for fully a quarter of a century, and evolved in, at least, the Edict of Nantes, if not in the vindication of the democratic aspirations more or less mixed up with it. In Germany the activity of Luther and his coadjutors resulted in a compromise, which, though it did not inaugurate full religious liberty in the States of the Holy Roman Empire, recognised the rights of the Lutheran conscience in the Protestant States and which the awful reaction of the Thirty Years' War proved impotent to annul. In the northern lands—in Scandinavia and Great Britain—the Protestant creed attained and preserved supremacy, and thus at the end of the sixteenth century the movement in favour of spiritual or political emancipation had effected a more or less marked transformation in northern, central, and western Europe, in accordance with the nature of the conflict and the extent of the changes wrought by it. Great indeed were the achievements of this century of emancipation, whose dawn witnessed the maturity of the Renascence, the beginnings of the Reformation. These great achievements it was the purpose of the second volume of this work to portray in a general survey of the emancipation movement in many lands. But these great things were only the beginnings of greater, and in England and Scotland in the seventeenth century, more particularly, this movement proceeded and culminated in those revolutions which, from our point of view, overshadow all contemporary European history.

The grand fact that rivets the attention of the historian of Modern Liberty in this seventeenth century is thus the struggle between the Stuart kings and their English and Scottish subjects. We may, for the present, without being guilty of much essential omission, devote our attention almost

exclusively to this struggle. During this century France was subject, with only some spasmodic restiveness, to the rule of a series of absolute potentates who successively, and in well-defined stages, carried out the policy of the subordination of all powers to that of the crown and the practical centralisation of government and legislation in the person of the monarch. The same phenomenon is more or less apparent in the German and Italian States and in Spain. It was only in England and Scotland that the battle of political liberty, which began with the Parliamentary opposition to James I. and ended with the flight of James II., was passionately fought out to the bitter end.

And this struggle, as these two volumes will, I trust, make clear, was not solely, though perhaps primarily, a struggle for political liberty. Its history brings out, indeed, in concrete form, the complex character of liberty as I have defined it in the Preface to the previous two volumes. The resistance of Parliament to the autocratic régime of James I. and Charles I., of the Parliamentary opposition to the military despotism of Cromwell, of the nascent Whig party to the absolutist tactics of Charles II., of both Whigs and Tories to the irresponsible government of James II., of the Covenanters to the autocratic methods of both Charles II. and James II., forms the dramatic exemplification of the striving for political liberty. But this does not exhaust the factors embraced in that mighty struggle. It includes, for instance, the noble plea of a Milton for intellectual freedom, the contentions of a Roger Williams, a Harrington, a Penn, a Locke, and others for toleration, the striving of obscure sects, like the Diggers, for social as well as religious and political emancipation. It gave scope, in fact, to the aspirations after liberty in the wider sense, of which the Renascence and the Reformation had sown the germs. In this complex struggle these germs are seen to bud and blossom into the definite forms of organised movements, which impart a wondrous interest to it outside the purely constitutional demands and debates in the Parliaments at Westminster and Edinburgh.

It is almost superfluous to emphasise its importance. Great, in truth, is its importance, not only for the peoples of England and Scotland, but for the European nations as well.

It is to the seventeenth century that Great Britain owed that political grandeur which differentiated it as a nation, for a certain period, from the other great peoples of Europe. It was this struggle that transformed it, during the eighteenth and part of the nineteenth century, into a land of refuge for the exiles of other nations, that made its constitution for long the object of desire to the political thinkers and the champions of political emancipation of these nations. And this struggle it was that helped to foster in Britain itself those larger aspirations which resulted in the widening of political rights, the broadening of intellectual and religious liberty, and contributed to engender that free self-consciousness, that spirit of daring enterprise which led to the expansion of British power and the establishment of free commonwealths beyond the British shores.

Our Continental neighbours will all the more readily pardon these remarks inasmuch as they are made in no narrow, patriotic spirit. They might, in fact, be amply fortified by the testimony of foreign publicists, especially of the eighteenth century. If Great Britain has, unfortunately, been at times the object of the enmity of other nations, its free institutions were for long the theme of their admiration, the ideal of their emulation. These institutions have, in truth, been both an object-lesson and an inspiration, without which these nations, at a certain stage of their political development, as well as Great Britain itself, would have been greatly the poorer. In a sense, therefore, this struggle was a struggle on behalf of interests, not merely insular, but European. It was fraught with momentous consequences for Europe as well as Britain, and consequently it has attracted the attention of many foreign as well as British historians. Need I do more than mention the names of M. Guizot and Leopold von Ranke, to whose works as well as, for instance, to those of our own S. R. Gardiner, the elucidation of English and Scottish history in the seventeenth century owes so much?

Whilst thus restricting my view in these two volumes to England and Scotland, I would not be thought to be oblivious of the services rendered by other nations to this transcendent cause. But so much at a time, and for the rest patience! The influence of the Renascence and the Reformation were

by no means quiescent in Holland, France, or Germany, for instance, in this seventeenth century. Political and religious liberty might be suppressed in France, arrested in Germany. They were very much alive in glorious little Holland, and in France and Germany the forces of intellectual progress were by no means stifled. The services of these forces in the intellectual emancipation of Europe will receive due elucidation and recognition when I come to deal with the French Revolution and the political emancipation of modern Germany.

To one essential omission in this second instalment I must plead guilty. I have not attempted to deal with the foundation of that great free nation across the Atlantic by the Puritan exiles from Stuart despotism. The Puritan emigration to North America is a fact of superlative importance in the history of Modern Liberty. If I have omitted more particularly to follow the fortunes of the Pilgrim Fathers and their children in the New England on the other side of the ocean, it is by no means because of the lack of an adequate sense of the importance of their history in connection with this subject. It is merely a question of arrangement, and I have preferred to reserve this history for the fifth volume on the American Revolution, in which it may both more conveniently and more naturally have its place.

As it is, I have had sufficient difficulty to compress the drama, of which these two volumes treat, into the space I had allotted to it. I have been compelled to fashion my material in accordance with the demands of a plan, of which these two volumes are only the partial realisation, and have had recourse to such expedients as carving two chapters into one, or omitting quotations from contemporary sources which I would fain have inserted. I have, nevertheless, retained, if in a curtailed form, as many of these quotations as possible on the principle that they serve to bring the reader into closer touch with the thoughts, the passions, the aspirations of the period. At the same time, they tend to interest him in the sources of the subject far more keenly than any array of perfunctory references in the shape of footnotes. Each chapter has but one footnote, and in these notes will be found critical accounts of the authorities from whom I have derived my knowledge.

The preceding volumes have earned their fair share alike of criticism and appreciation. A work on a vast and complex subject like this affords ample scope for the exercise of the critical faculty. Method as well as contents may well arouse divergence of opinion. There are more methods than one, and the subject-matter lends itself to large debate. Consequently, criticism that is unwarped, well-informed, deliberate, and therefore helpful, is welcome. Omniscience, infallibility in the treatment of such a subject cannot be predicated of any man, dead or living, not even of critics of the omniscient, infallible species. For appreciation, whether from far or near, whether over-indulgent or mingled with reserve, I am grateful, since it has encouraged me to persevere with what is both a vast and an exhausting undertaking. I have been especially gratified by that form of it which has found expression in various applications from both Germany and France for the right to translate the first two volumes. In Mr A. H. Sturm, Bonn, I have had the happiness of finding a capable and an enthusiastic interpreter into German. His sympathy and capacity are only equalled by those of M. G. Testaud, Professor of the History of Jurisprudence in the University of Poitiers, who has undertaken to translate them into French.

The fourth volume, which is included in this Preface, is already in MS. and will appear in print within a twelvemonth.

In conclusion, I take this opportunity of offering my hearty acknowledgments to the Carnegie Trust for the Universities of Scotland for a grant in aid of the publication of the first two volumes. The kindness of the Trustees has been extended to this second instalment, and for this additional mark of their interest in the work I beg to tender them my sincere thanks.

The University,
St Andrews, *7th January* 1908.

CONTENTS—VOL. III.

CHAPTER I.

The Political Significance and Effects of the English Reformation.

PAGES

Submission of Parliament—Protests against Tyranny—The Appeal to Liberty—Ponet's "Treatise of Politique Power"—The Early Puritans—Hooker as Political Writer—Government by Consent—The King and the Law—Elizabeth as Ruler—Necessity of the Strong Ruler—Parliament Amenable to Control—Parliament no Nullity—Claims of the Commons—Insist on Debating Important Questions—The Parliament of 1601—Onslaught on Monopolies—Reaction against Tudor Autocracy—Sources of Chapter I. . 1-18

CHAPTER II.

James I. and the Question of Toleration.

Factors and Stages of the Struggle—James the First—James and the Puritans—His Policy of Repression—Its Bearing and Results—Tolerant Attitude towards Catholics—The Gunpowder Plot and its Effects—Repressive Measures—Rigorous Legislation—Contrast with that of Henry IV.—Sources of Chapter II. 19-29

CHAPTER III.

Outbreak of the Quarrel between King and Commons (1604-1611).

Opening of James' First Parliament—The Commons Vindicate their Rights—Their "Apology"—Disgust of James—An Interval of Harmony—The Financial Factor in the Struggle—The Question of Impositions—The Financial Position in 1610—Salisbury's Policy as Treasurer—Attitude of the Commons—The Commons and Dr

PAGES

Cowell—The Commons and the Right of Free Debate—Great Debate on Impositions—Arguments For and Against—No Impositions without Consent—James and the Commons' Petition—Disagreement over the Great Contract—Further Conflict and Dissolution—Sources of Chapter III. 30-47

CHAPTER IV.

GOVERNMENT BY PREROGATIVE AND ITS FAILURE (1611-1621).

Change in the Attitude of the Commons since Elizabeth's Reign—Impossibility of Ruling without Parliament—Favouritism and Corruption—The Parliament of 1614—The Appeal to an Original Contract—Indignation of the Commons—Intensified Friction and Dissolution—Futile Appeal to the Nation—Opposition of Chief Justice Coke—Bacon and Coke—Coke as Protagonist of the Law—Friction between King and Judges—James' Doctrine of Kingship—Dismissal of Coke—The Duke of Buckingham—Corruption and Misgovernment—A Questionable Foreign Policy—Antagonism of the Nation—A Protestant Crisis—Sources of Chapter IV. . . 48-67

CHAPTER V.

RENEWAL OF THE CONFLICT IN THE PARLIAMENT OF 1621.

James' Speech to Parliament—Popish Recusants and Free Speech—Attack on Monopolists—Startling Revelations—Buckingham in Danger—Expedient for Saving Buckingham—Punishment of the Guilty—The Case against Bacon—He Waives his Defence—His Confession—Significance of his Trial—Co-operation of Lords and Commons—The Commons and Foreign Policy—James Continues to Negotiate—Failure of his Policy—The Commons Denounce his Policy—Their Petition Angers James—They Assert their Rights—They Resist the Royal Tactics—Their Protestation—An Angry Dissolution—Sources of Chapter V. 68-89

CHAPTER VI.

LAST YEARS OF JAMES' REIGN—ITS SIGNIFICANCE.

Antagonism over Foreign Policy between King and People—Renewed Appeal to Parliament—James' Concessions—Appreciation of the Nation—Persecution of Catholics—Impeachment of Middlesex—James' Last Speech—Gloomy Circumstances of his Death—Character of James—Genesis of the Great Conflict—Development of the Power of Parliament—A Barrier to Absolute Government—Criticism of the Attitude of the Commons—Sources of Chapter VI. 90-104

CHAPTER VII.

Friction between Charles I. and His First Two Parliaments (1625-1626).

PAGES

Personality of Charles I.—Collision with Parliament Inevitable—King and Commons—Contention over Supply and Policy—Renewed Contention at Oxford—Buckingham Explains—The Commons Still Distrustful—Angry Outburst against Buckingham—The Grand Question at Issue—The Cadiz Expedition—Charles Summons a New Parliament—Eliot Arraigns the Government—The Case for Inquiry—Charles Resents their Inquisition—Eliot Continues the Attack—Charles' Angry Intervention—The Commons Assert Right of Control—They Impeach Buckingham—Eliot's Great Speech—Its Weak Points—Arrest of Eliot—Anger of Commons—Charles Dissolves Parliament—Sources of Chapter VII. . . . 105-128

CHAPTER VIII.

The Religious Question—The Petition of Right (1627-1628).

Puritans and High Churchmen—Montague and Arminianism—Reaction against Puritan Bigotry—High Church Political Theory—Divine Right and Non-Resistance—Dictatorial Temper of Laud—Charles as Religious Partisan—Charles' Embarrassments—Charles' Arbitrary Expedients—Blundering and Failure—Charles Admonishes Parliament—Commons Appeal to Law and Precedent—Vindication of Liberty by Coke, Phelips, Wentworth, Eliot—Resolutions against Arbitrary Expedients—Conferences with the Lords—Charles Vainly Intervenes—Commons Refuse Lords' Resolutions—Bill to Enact Liberty Statutes—Wentworth's Device in Support of It—Commons Substitute Petition of Right—Refuse Modification of Lords—The Lords Ultimately Agree—Charles' Evasive Reply—Eliot's Denunciation—"The Grievance of Grievances"—Charles Gives Way—Significance of the Petition—Renewed Friction and Prorogation—Sources of Chapter VIII. 129-159

CHAPTER IX.

Breach with Parliament, and Government without Parliament (1629-1640).

Wentworth goes over to the King—End of Buckingham—Illegal Taxation—Anti-Puritan Measures—"The Root of all Rebellion"—The Commons Denounce Illegal Taxation and Arminianism—Dangerous

PAGES

Assumption of the Commons—The Commons and the Customs Officers—Charles' Obstructive Tactics—Eliot's Passionate Outburst—Defiance and Dissolution—Prosecution of Eliot and Others—Question of Liberty of Discussion—Eliot's Political Standpoint—Eliot's Title to the Gratitude of Posterity—Charles Concludes Peace—Alliance with Spain against the Dutch—Ship-Money and the Outcry against it—The Question before the Judges—The Fleet Covers itself with Ridicule—Hampden Appeals to Legal Right—Arguments For and Against—The Crusade against Puritanism—Leighton's Plea against Prelacy—Prynne as Puritan Moralist—Persecution of the Puritans—Laud as Archbishop of Canterbury—Reform and Repression—Puritan Denunciation of Prelates—Popular Sympathy with the Persecuted—Widespread Opposition to Coercion—Was Laud a Romanist?—Sources of Chapter IX. 160-194

CHAPTER X.

The Subversion of Presbytery and the Establishment of Prelacy in Scotland (1600-1625).

Importance of Transition to Scotland—Scottish Pugnacity—Ecclesiastical Factor in the Struggle—The "Second Book of Discipline"—Character of Presbyterian System—Democratic Features—Moral Tyranny of the Kirk—Its Services to Political Liberty—Political Tendency of Presbytery—Efforts of James VI. to Subvert Presbytery—Procrastinates Summoning Assembly—Prosecutes Individual Presbyters—Their Defence and Punishment—Andrew Melville at Hampton Court—Scotland's Debt to Melville—Assembly of Linlithgow—Bishops as Perpetual Moderators—The Assembly of 1610—Establishment of Episcopacy—The Absolute Supremacy of the Crown—Its Danger to the Rights of the Subject—Reform of Presbyterian Worship—Protest, and Punishment of Protesters—James Rates the Ministers—Objections and Remonstrances—Peremptoriness of James—The Assembly of Perth—Articles Carried by Unfair Tactics—Opposition in Parliament—Small Majority in Favour of Articles—Dissent and Persecution—Resistance to Coercion—Sources of Chapter X. . 195-228

CHAPTER XI.

The Gathering of the Storm in Scotland (1625-1635).

Charles and the Policy of Conformity—Intensified Alarm and Contention—Restiveness of the Nobility—The Act of Revocation—Determined Opposition of the Nobility—A Compromise—Charles' Visit to Edinburgh—Charles' Tactless Zeal—The Scottish Parliament—Charles'

PAGES

Insidious and Partisan Tactics—Intensify National Antagonism—Protests of Opposition—Indignation of Charles—Vents his Resentment on Balmerino—Attitude of People—Sources of Chapter XI. . 229-244

CHAPTER XII.

THE NATIONAL COVENANT AND THE ABOLITION OF EPISCOPACY (1635-1639).

The Service Book—Laud's Meddlesomeness—The Riot in St Giles'—General Antagonism—Petitions for Withdrawal—Specimen Arguments — Mob Demonstrations — Antagonism to the Bishops — Organisation of the Opposition—Profess Loyalty and Maintain their Ground—Charles Declares Responsibility for Service Book—Protestations against Proclamation—The National Covenant—Its Main Stipulations—The Signing of the Covenant—Impressive Scene—Strength of the Movement—Futile Negotiations—Hamilton's Impotence—Renewed Protestations—Charles Ultimately Gives Way—The Assembly at Glasgow—Its Representative Character—Struggle between Commissioner and Assembly—Shall the Assembly Judge the Bishops?—The Moderator and the Civil Power—The Great Question at Issue—Argyll Intervenes—Hamilton Withdraws—The Rupture Inevitable—Episcopacy an Impossibility—An Ecclesiastical Revolution—Sources of Chapter XII. 245-278

CHAPTER XIII.

WAR BETWEEN CHARLES AND THE SCOTS (1639-1640).

Charles' Plan of Campaign—Energetic Measures of the Covenanters—The Covenanters on Duns Law—A Futile Pacification—Friction with the Scottish Parliament—Justification of the Tactics of the Scots—The Short Parliament—Defiant Measures of the Scots—Scottish Invasion of England—Charles Negotiates and Summons Parliament—Significance of Scottish Attitude—Its Justification—The Covenanters Represent a Great Cause—A Knock-Down Blow to Absolutism—Sources of Chapter XIII. 279-294

CHAPTER XIV.

THE LONG PARLIAMENT—ATTACK ON ABUSES AND IMPEACHMENT OF STRAFFORD (1640-1641).

Meeting of the Long Parliament—The Parliament and the Scots—Pym Arraigns the Government—Redress and Justice Demanded—The Situation in England—The Puritan Outcry against Popery—The

PAGES

Attack on Strafford—Strafford Accused and Arrested—Charges against Laud and Others—Condemnation of Abuses—Revival of Parliamentary Consciousness—Triennial Parliaments—Charles Out of Touch with his Age—Question of Ecclesiastical Reform—Digby and Moderate Reform—Fiennes Denounces Episcopacy—Heated Debate over Question—Arraignment of Strafford—The Indictment—Was Strafford Guilty of Treason?—His Irish Administration—His Conduct of English Affairs—The Question of an Irish Invasion—Strafford on the Defensive—The Bill of Attainder—Wherein Strafford's Guilt Lay—Intrigues that Undid Him—Charles Sacrifices Strafford—Strafford on the Scaffold—Reflections on his Doom—Sources of Chapter XIV. 295-325

CHAPTER XV.

THE GRAND REMONSTRANCE AND THE ATTEMPT ON THE FIVE MEMBERS (1641-1642).

Further Parliamentary Measures—Dissension over Ecclesiastical Legislation—Charles has Recourse to the Scots—Charles and the Scottish Parliament—Argyll's Supremacy—Argyll's Position—Parties and Principles in the English Parliament—Justification of the Opposition—Puritans Mistake a Party for the Nation—Impossibility of Policy of Halt—What were the Facts?—Distrust of Charles and its Justification—Convictions of Pym and the Majority—Majority's Ultimatum to Charles—Origin of the Grand Remonstrance—Contents of Remonstrance—Its Historic Importance—Angry Debates in the Commons—Arguments *Pro* and *Contra*—Violent Midnight Scene—A Startling Departure—Charles Returns from Scotland—Fear of Treachery—The News from Ireland Intensifies this Fear—The Impressment and Militia Bills—Charles Vainly Intervenes—Charles' Maladroit Tactics—The London Mob Demonstrates—The Houses and the Bishops—Charges against the Five Members—Charles Invades the Commons—Charles Baffled—Charles at the Guildhall—"The Privileges of Parliament"—Charles Retires—The Commons Return—Sources of Chapter XV. 326-361

CHAPTER XVI.

THE SUPREMACY OF PARLIAMENT (January-August 1642).

Parliament Adopts Defensive Measures—The Militia Ordinance—Charles Refuses to Entertain it—An Angry Interview—Parliament's Interpretations of the Law Authoritative—The Nineteen Propositions—Declaration of the Supremacy of Parliament—The Sovereignty of Parliament—Dubiety and Defection—The Climax at Last—Wherein Charles Erred—Parliament too Uncompromising—Where the Chief Responsibility Lay—Sources of Chapter XVI. . . 362-375

CHAPTER XVII.

Civil War—The First Two Campaigns (1642-1643).

PAGES

A War for Certain Ideas—Ideals on Both Sides—Mixed Motives—The Anti-Puritan Factor—Preliminary Movements—Edgehill Battle—Irreconcilable Contentions—A Futile Diplomatic Campaign—Propositions and Counter-Propositions—Charles and his Advisers—His Ultimatum to Parliament—Renewed Fighting—The First Battle of Newbury—Parliamentary Disasters—Danger of Parliamentary Cause—Sources of Chapter XVII. 376-391

CHAPTER XVIII.

The Parliament and the Scots—Solemn League and Covenant (1643).

The Causes of the Parliament's Lack of Success—Lack of Organisation and Co-operation—The Puritan Confidence in God—Remedial Measures of Parliament—Fiscal and other Expedients—Associations and Standing Army—Parliament and the General Assembly—Charles Competes for the Scottish Alliance—Fights a Losing Contest—Scottish Attempt at Mediation—Charles has the Best of the Argument—His Self-Condemnation—Convention of Scottish Estates—Negotiations with Parliamentary Commission—The Scottish Ultimatum—The Solemn League and Covenant—Acceptance by the English Parliament—Death of Pym—His Character and Work—His Self-Vindication—The Spirit of Persecution—The Covenant and Political Liberty—A Religious and Intellectual Tyranny—Sources of Chapter XVIII. 392-416

CHAPTER XIX.

The Overthrow and Surrender of Charles (1644-1647).

Spirited Protest against Scottish Intervention—The Battle of Marston Moor—Failure to Improve the Victory—The Second Battle of Newbury—Cromwell Arraigns Manchester—Threatened Friction in Parliament—Self-Denying Ordinance and New Model—Parliamentary Peace Proposals—Dissension on the Religious Question—On the Militia and Ireland—Parliamentary Vindictiveness and Intolerance—Charles still Sanguine—The Battle of Naseby—Irreparable Disaster and Demoralisation—Montrose to the Rescue—His Character and Political Activity—His Enthusiasm—On the War-path in Scotland—A Victorious Campaign—Defeat and Retribution—A Critical Estimate—Friction Between Presbyterians and Inde-

PAGES

pendents—The Tension Increases—The Scots Critical; the Parliament Angry—Rival Overtures to Charles—What the Scots were Prepared to do—Charles Surrenders to the Scots—"A Most Damnable Untruth"—The Newcastle Propositions—Charles Persists in Manipulating Parties—Will not Give Way on Religious Question—Takes Refuge in Procrastination—The Scots Agree to Withdraw—The Question of the King's Fate—The Royalist Outcry against the Scots—Defence of their Action—Impossibility of any other Conclusion—Sources of Chapter XIX. 417-456

CHAPTER XX.

Toleration—Church *versus* Sect—Religious and Intellectual Liberty (1643-1647).

The Presbyterian Party in England—Ecclesiastical Difference of England and Scotland—The Separatists—Views of John Robinson—The Independents—The Westminster Assembly—Dissension in the Assembly—Demand for Liberty of Conscience—Parliament Decrees Presbyterianism—The Ecclesiastical Supremacy of Parliament—The Ordinance against Blasphemy—The Fate of Laud—Views of Cromwell—The Toleration of Expediency—Variety of the Sects—The Baptists as Champions of Toleration—Roger Williams—His Career in New England—His Attack on Persecution—His Doctrine of Toleration—The Toleration of Christ—Fuller as Advocate of Toleration—Milton as Anti-Episcopal Pamphleteer—His Plea for Intellectual Liberty—Protest against the Muzzling of Reason—Denounces the Censorship—Revolts against Protestant Bigotry—Advocates Progressive Inquiry—His Limitation of Liberty—Sources of Chapter XX. 457-487

INDEX 489

A HISTORY

OF

MODERN LIBERTY.

CHAPTER I.

The Political Significance and Effects of the English Reformation.

IT is only in the light of the seventeenth century that the significance of the English Reformation comes fully into view. The Reformation had enormously strengthened the power of the crown. It had made Henry VIII. to all intents and purposes an absolute ruler, who ruled indeed through his Parliament, but of whose drastic will Parliament was the subservient instrument. The submission of Parliament to the will of the monarch, for which the Wars of the Roses had paved the way, and which the Anglican Reformation seemed only to intensify, is the keynote of the constitutional history of the Reformation period. Nevertheless the subservience could only be transient. It was impossible even for a Henry VIII. entirely to repress the tradition of English political liberty inherited from the fourteenth century. Equally impossible to stifle the aspirations after its revival which the Reformation tended to beget. The influence of this combined force is traceable throughout the sixteenth century, until towards the end of it its reactionary force becomes unmistakable in the restiveness of the Commons under the latter-day autocratic sway of Elizabeth.

And in the press as well as the Parliament its growing strength is equally apparent. In England, as in other lands,

the persecutions of the Reformation period evoked a series of passionate protests against the oppression of conscience by the civil power in the interest of religion so called, or in vindication of an autocratic authority. Some of these emanated from Roman Catholic scribes, who denounced the exercise of the royal authority at the expense of the jurisdiction of the pope. Of such sort is the philippic of Cardinal Pole against the English Antichrist who had dared to dethrone the pope and persecute those of his subjects who preferred adherence to the pope to obedience to the king. Of this sort, too, are the polemics of men like the Jesuit Parsons who, under the pseudonym of Doleman, inveighed against the title of Elizabeth and incited her subjects to rebellion in the name not merely of the pope, but of the people. The Papist champions adopted, in fact, a thorough-going democratic strain against a sacrilegious king or a heretic queen in the interest of the pope and the Church, though they might be ready enough to defend the principle of indefeasible hereditary right in the case of a fanatic Romanist like Queen Mary of England, or an unfortunate one like Queen Mary of Scotland.

Not less strenuous, on the other hand, were the appeals, in the name of Scripture, law, conscience, of Protestant writers like Bishop Ponet against the tyranny of Papist zealots like "the Bloody Mary." Unlike the Papist protagonists, the early English Protestants of the type of a Tyndale and a Barnes emphasised the duty of non-resistance to the royal will and its absolute supremacy in the State as against the pretensions of the pope. They recognised this supremacy even when exercised in persecution against themselves, in deference to the scriptural injunction to render subjection to the king as to the minister of God. "I have been reputed," said Barnes at the stake at Smithfield, "to be a preacher of sedition and disobedience to the king's majesty; but here I say to you that you are all bound by the commandment of God to obey your prince with all humility and with all your heart; yea, not so much as in a look to show yourselves disobedient to him, and that not only for fear of the sword, but also for conscience sake before God." The fully-fledged doctrine of divine right, as applied to the English monarch, is the product of a later time, but the germ of it is already visible in this

tendency to emphasise the duty of submission on scriptural grounds.

Such professions of absolute submission on the part of the early English Protestants may not, however, be taken as an indication of the abject servility of the English people even under the iron rule of a Henry VIII. Parliament might be subservient and the Protestants, in the days of their weakness, pathetically loyal even amid the flames of Smithfield. But Parliament was not in this respect a true exponent of the national feeling, as the rebellions of Henry's reign and those of his two successors sufficiently prove. That liberty to which the papal champions appealed, and whose true meaning they were apt, in their ultramontane zeal, to pervert, was no new-fangled word in the ears of Englishmen, and liberty even in the pope's name might well make the tyrant wince on his throne. Henry might play the despot, but he felt often enough that he was risking his own head in cutting off those of others. He had a disaffected Church and a restive people to deal with. He lived in constant fear of revolt, and could not always afford to take his own way—was sometimes forced to give in. "He was, in truth, a gambler," to quote a recent critic, Mr Whitney, "who risked all and played a dangerous game with outward calm. This point is of the utmost constitutional importance, and explains why opposition to the crown under the Stuarts could so easily succeed."

In England, as on the Continent, the Protestants were ere long, under the influence of systematic persecution, to discard the doctrine of absolute submission and proclaim the necessity and the right of resistance to power tyrannically exercised. Under the inhuman rule of the priest-ridden Mary, Protestant publicists like Ponet, ex-Bishop of Winchester, Goodman, a former divinity lecturer at Oxford, and John Knox, ex-chaplain of Edward VI. and the outspoken antagonist of feminine rule especially under the auspices of the fanatic Mary, championed the right of resistance to tyranny in the most strenuous terms. For Ponet, for example, the end of the State, whatever its form, is "the maintenance of justice, the wealth and benefit of the whole multitude, and not of the superiors and governors alone." In order to secure the common good from the oppression of princes, the people

have established checks on rulers, such as the Parliament of England, "wherein there met and assembled all sorts of people, and nothing could be done without the knowledge and consent of all." He denies point blank, therefore, that kings may make or dispense with laws without the consent of the people. Custom confers no right: it may not legitimate evil, and any practice detrimental to the good of the commonwealth is untenable. The good of the commonwealth precludes the exercise of absolute power. By the law of God, the law of nature, the law of the land, the law of reason the prince is as much subject to the positive laws of the country as any individual. A certain obedience is due by the subject in every well-regulated commonwealth. To allow the license claimed by the Anabaptists, for instance, leads to anarchy. But obedience has its limits, and while the civil power is ordained by God, its scope is limited. It has no jurisdiction over the conscience. It cannot compel the subject to dishonour God, or to do what is manifestly to the hurt of his conscience. Allegiance to God and country claim it, in such cases, over allegiance to the prince. Oppression forfeits allegiance. If the prince and his ministers fleece the people by unjust expedients—by oppressive taxes and impositions, by debasing the coin, by seizing their goods—and play the tyrant over both body and soul, he may rightfully be deposed and put to death, as Scripture, history, and the law of nature abundantly prove. Papist writers were not the only advocates of tyrannicide. Ponet is as explicit on this point as Mariana. "And seeing it is before manifestly and sufficiently proved that kings and princes have not an absolute power over their subjects, that they are and ought to be subject to the law of God and the wholesome, positive laws of their country, and that they may not take and use their subjects' goods at their pleasure, the reasons, arguments, and law that serve for the deposing and displacing of an evil governor will do as much for the proof that it is as lawful to kill a tyrant. As God hath ordained magistrates to hear and determine private men's matters and to punish their vices, so also will He that the magistrates doings be called to account and reckoning."

Ponet's "Treatise of Politique Power" is a vigorous, if

by no means a profound, defence of the rights of the subject against a tyrannic ruler, and earned the honour of republication nearly a hundred years later by the antagonists of Charles I. Very noteworthy is the tendency to lay stress on law and the commonweal in opposition to the straining of prerogative to the detriment of the people. The sense of legal right was still strong in the England of the Tudors, and burst out under the pressure of the Marian persecution in an appeal to the sacred rights and liberties of the subject, which neither the servility of Parliament nor the prescription of custom might invalidate. In this respect it may be taken as typical of the political creed of those advanced Protestants who developed into the Puritan party in the latter half of the century. Under the régime of the Protestant Elizabeth the opposition to an autocratic government was, indeed, actuated by ecclesiastical rather than political motives. The early Puritans were concerned with theological rather than with political questions, and the difference between the sage rule of an Elizabeth and the sanguinary misgovernment of a Mary afforded far less scope for sweeping political denunciations of this sort. At the same time the Puritans were staunch champions of the legal rights of Englishmen as against the illegal tactics of the High Commissioners. They challenged the tyrannic exercise of the queen's ecclesiastical supremacy by this irresponsible court, and pleaded the rights of conscience against the absolute will of the monarch in things ecclesiastical. They braved coercive laws in defence or propagation of their theological principles, and though they did not question the exercise of the royal power in matters secular, their opposition to ecclesiastical tyranny in the name of law and conscience was fitted indirectly to rouse opposition to autocratic government in things civil as well as ecclesiastical. The political tendency of the Puritan opposition in the Church is indeed as apparent, though not so active or effectual, in the reign of an Elizabeth as in the reign of a James or a Charles. The Puritan might eschew political intrigue, but the instinct that taught Elizabeth to see in the opponents of the bishops the enemies of her autocratic rule was not altogether a mistaken one. It might not be a fair inference that, because these stiffnecked sectaries refused to conform to her ecclesiastical

system, they were, as a matter of course, rebels. Nothing is further from the truth in regard to the dissenters of her own reign. But the tendency to question the aristocratic rule of the bishops over the Church, the striving to substitute for it the more democratic Presbyterian form of Church government, the resolution to suffer persecution rather than submit to regal dictation in such matters might ultimately have important political consequences, as the Stuarts were to learn.

The striving to limit the royal authority by the plea of law or conscience was not confined to the suffering Protestants of the reign of Mary, or the recalcitrant Puritans of the reign of Elizabeth. It appears in the works of writers of a very different caste from either the Protestant or the Papist champions of the right of resistance. Publicists like Sir Thomas Smith, one of Elizabeth's Secretaries of State, and a former Professor of Law at Cambridge, and above all, like Hooker, the author of the "Laws of Ecclesiastical Polity," and an opponent of the Puritans, were equally explicit in maintaining the legal rights of Englishmen on constitutional or rational grounds. They did not write violent philippics, for Smith was too learned a lawyer and too good a courtier, Hooker too profound a philosopher to storm at large in the fierce style of the Papist or Protestant partisan. But their vindications of the political rights of Englishmen were not the less forcible because they were couched in moderate language, and that of Hooker has the distinction of having become a classic in English literature. Hooker, in truth, towers far above all the political writers of his age in respect of grandeur of diction, strength and calm of reasoning, and his work possesses the additional merit of having exercised an enormous influence on the political contention and speculation of the seventeenth century, as the writings of Milton, Hobbes, Locke show. Hooker not only revived the idea of the original rights of the people in an age in which these rights had been obscured by autocratic rule, but he did so in a strain fitted to appeal to the reason rather than the passions of his countrymen. If he is not original, he is persuasive, and in his calm and stately diction the old arguments of a Bracton or a Fortescue acquired a force that was destined in the long run to be fatal to the pretensions of would-be kings by divine right.

His fundamental position is that government is derived from the consent of the governed, and that law must be the expression of the will of the people, not the arbitrary will of the ruler. The contract from which he deduces these fundamental principles, and which he apparently derived from Hubert Languet's "Vindication Against Tyrants," is a contract not between ruler and people, as in the conception of earlier writers, but between the individuals who desire to subject themselves to some form of government in order to escape from the anarchy of the primitive state. The assumption of this contract might not be an adequate historic explanation of the origin of government, but it provided a good working theory of the supremacy of the law and the limitation of obedience to arbitrary rulers and was destined to fulfil a mighty mission in English and Scottish history in the seventeenth century.

For Hooker the form of this government is immaterial. The essential point is that it arose from the agreement of the governed—"from deliberate advice, constitution and composition between men, judging it convenient and behoveful." There is no specifically divine form. "Nature tieth not to any one, but leaveth the choice as a thing arbitrary." Experience, however, speedily taught men the danger of leaving the government to the wisdom and discretion of the ruler, and showed them the necessity of ruling in accordance with laws. "They saw that to live by one man's will became the cause of all men's misery." The power of making laws thus belongs to the people, and no prince can exercise this power without the express commission of God or the consent of those on whom the laws are binding. "For any prince or potentate of what kind soever upon earth to exercise the same of himself . . . is no better than mere tyranny." "Laws they are not, therefore, which public approbation hath not made so. But approbation not only they give who personally declare their assent by voice, sign, or act, but who when others do it in their name by right, originally at least, derived from them." Thus what a representative assembly does is the act of the nation. All such acts, though done centuries before, are binding on the nation. "Corporations are immortal; we were then alive in our predecessors, and they in their successors do live

still. Laws, therefore human, of what kind soever, are available by consent."

In a monarchy like that of England the king succeeds by hereditary right, and the people may not ignore the right which the original contract confers. As long as he observes the conditions of the contract his right to rule is unquestionable. Nevertheless, he is bound by the conditions of the contract to confine himself within legal limits. Under the king the law must rule, "In which respect I cannot but commend highly the wisdom by which the foundations of this commonwealth have been laid, wherein, though no manner of person or cause be unsubject to the king's power, yet so is the power of the king over all and in all limited that unto all his proceedings the law itself is a rule. The axioms of our regal government are these, Lex facit regem; rex nihil potest nisi quod jure potest." The ecclesiastical prerogative, he holds, is legal, because, like the civil power, it is derived from the people, but his ecclesiastical jurisdiction, like his civil jurisdiction, is strictly limited by law. "It hath been declared already in general how the best established dominion is where the law doth most rule the king, and the true effect whereof particularly is found as well in ecclesiastical as in civil affairs. In these the king, through his superior power, may do great things and sundry himself, both appertaining unto peace and war, both at home by commandment and by commerce with states abroad, because so much the law doth permit. Some things, on the other side, the king alone hath no power to do without consent of the Lords and Commons assembled in Parliament . . . which pristine laws, whether by custom or otherwise established, without repugnancy unto the law of God and nature, ought no less to be of force even in the spiritual affairs of the Church."

The tendency to assert the rights of the people which was voiced in the press by writers so different as Pole, Ponet, and Hooker ultimately found expression in the Tudor Parliament itself. In Elizabeth's reign the Commons not merely supported the ecclesiastical demands of the Puritans against the Government, they ventured, if only tentatively and somewhat hesitatingly, to assert their independence of autocratic control in legislation.

Parliament was, indeed, as a rule, extremely deferential, nervously sensitive to the royal resentment, obsequiously apologetic, meekly submissive to rebuff. It was too much under the spell of Elizabeth's imperious personality to adopt, or at least persist in an aggressive, independent attitude. A message from the angry queen, through the Speaker or the Lord Keeper, usually killed an obnoxious Bill on the spot, and drew forth the most abject apologies. A scolding in person, as on the occasion of the prorogation of 1566, was an ordeal that most members did not care to provoke a second time. Elizabeth was, doubtless, a politic ruler. She knew well when to give way, as on the question of subscription to the Articles in 1571. She knew equally well when to stand firm, and she manifested a truly masculine tenacity of purpose in asserting and maintaining her ideas of government. Her ideal was a popular autocracy. She would rule as well as reign, and her striving to merit the loyalty of the nation by studying the national interest gave her an extraordinary hold on the affections of her subjects. She resolutely asserted her will in the direction of affairs, and her devotion to the national welfare amid circumstances of transcendent difficulty enabled her to dominate, and even to domineer, where a ruler of less wisdom, but of even greater self-assertion, like her successor, only provoked dislike and disgust. She would brook no parliamentary interference with her government. She relied, like her father, on a subservient Parliament in the work of legislation. While she surrounded herself with trusty and sagacious councillors who indubitably exercised great influence in the direction of affairs, she had a will of her own with which these councillors had to reckon. Her reign may be described as "Government by Council," but the queen is more in evidence than the Council, and though she had her favourites, she did not allow them to dominate her. For the rest, queen and Council carried on the Government undisturbed by parliamentary control. The principle of the responsibility of ministers to Parliament lay deeply buried in the musty records of long disused practice.

Even if Parliament had been disposed to renew the constitutional struggle of the fourteenth century in the latter half of the sixteenth, the situation of the country was not such as

to encourage the attempt. The strong ruler was still a necessity in the latter as in the earlier half of the century. The country was still exposed to the danger of conspiracy and insurrection, and the fact that religious rancour, rather than feudal insubordination, steeled the antagonism of a fanatic faction to the throne, did not tend to make the danger of civil strife less threatening. The adherents of the pope and the captive Queen of Scots might not be numerically formidable, but they had all the forces of the counter-Reformation behind them, and the counter-Reformation hoped to strike through them at a vulnerable spot in the independence of England and the sovereignty of its Protestant queen. Thus the danger of invasion, which had been serious enough in the reigns of the Tudor Henries, was a constant contingency in that of the Tudor Elizabeth. For many years England lay under the shadow of the ambition or the resentment of Philip II. To help the sovereign to keep the foreign enemy and his domestic allies at arm's length, by enacting laws against dangerous recusants and voting subsidies in aid of Philip's rebellious subjects in the Netherlands, or against the inevitable day of reckoning with Philip himself, was the main business of Parliament. Parliament had only too good reason to stand by the imperious queen, who was the guarantee of its existence as well as the national independence and the Protestant religion. In spite of high-handed treatment, of irate outbursts of wounded vanity or imperious egotism, of strident lectures, it submitted to the sovereign's autocratic sway with a devotion which, if sometimes bordering on sycophancy, received touching expression on more than one critical occasion. Peremptory assertions of the royal prerogative, which in another fifty years were to call forth the bold denunciations of an Eliot or a Pym, in the midst of an applauding assembly, and stir the nation into organised resistance, were listened to, as a rule, with meek humility, or only questioned by some dour, ungallant Puritan, who paid for his unheard-of hardihood with inhibition or imprisonment.

Not only were the circumstances of the time unfavourable to the assertion of parliamentary right; Parliament itself was too amenable to royal control to be an independent representative assembly. In the House of Lords the bishops, who

constituted about one-third of the members, were the queen's nominees. They were, in fact, as much royal officials as ecclesiastical magnates, for they were appointed by the sovereign, and could be deprived or suspended for disobedience, as Archbishop Grindal discovered to his cost. They were, therefore, the servile instruments of the royal will, the staunch supporters of the royal policy. The greater number of their secular fellow-members owed too much to the crown to venture to risk the forfeiture of the royal favour by opposition. In the House of Commons a considerable proportion of members owed their seats to the policy of enfranchising small boroughs in the royal interest. Elizabeth created as many as sixty-two new borough constituencies, and both the constituencies and their representatives were naturally amenable to royal manipulation. She could, moreover, keep a tight rein on the House through the Speaker, who, though theoretically elected by the Commons and presented for the royal acceptance, was practically the queen's nominee. Parliament met, too, only at considerable intervals, for Elizabeth had no particular liking for parliamentary assemblies, and summoned them as seldom as possible. Throughout the forty-five years of her reign she called ten Parliaments, which sat during an aggregate of thirteen sessions, an average of about once in every three and a half years. They were thus deprived of the opportunity of gaining large experience of affairs. They were besides lacking in organisation, and this lack of experience and organisation enabled the queen and her ministers to manipulate business very much as they pleased. The ministers were fixtures as long as they retained the royal favour. They were not the leaders of a party majority, and they could present their measures with all the prestige of the queen's expressed will and without fear of organised opposition. To notify that the queen desired such and such a measure to pass was usually to press an unanswerable argument. We know what was the fate of a Bill to which she declared her dislike, and with such a system of control and influence, Parliament was practically the enacter of the measures of the queen and her advisers. And though the law of proclamations had been repealed at the accession of Edward VI., Elizabeth continued to issue proclamations, in the form of ordinances, through the

Privy Council or the Star Chamber. She even claimed and exercised the right to dispense with the laws in certain cases, as the Papists more particularly found to their dismay. She was dependent on Parliament for a supplement to the ordinary revenue, in the shape of subsidies and tenths and fifteenths, but she drew from feudal dues (reliefs, wardship and marriage dues, escheats), tonnage and poundage, which Parliament granted for life, impositions on certain imported articles, and the sale of monopolies, a large revenue which she frequently augmented by loans. With a generous Parliament, which showed no desire to starve the Government, to fall back on, and a tendency to economy very natural in the granddaughter of Henry VII., Elizabeth understood how to strengthen her autocracy with the potent adjunct of a well-filled treasury. And the prosperity of the country under her rule was a very strong argument in defence of a prerogative that the impecuniosity of her successors would find it increasingly difficult to maintain.

Nevertheless Parliament, even under Elizabeth, was very far from being a complete nullity. It was conscious of its dignity, its rights, its privileges as the legislative partner of the sovereign, and it occasionally took the opportunity of expressing the fact. The stress of the time, which disposed it to submit to the autocratic government of the strong ruler, forced the strong ruler, in turn, to cultivate its goodwill, to rely on its co-operation, to appeal to its public spirit, to reckon with its historic claims. To speak of the Tudor despotism is to ignore the fact that Parliament, though usually subservient and nervously anxious not to offend the ruler, was a real force in legislation, if not in government. It is the Queen, Lords, and Commons that legislate, and though the queen was disposed to exaggerate her own share of supremacy in the State, that supremacy was limited by Parliament in the case of all important legislative measures. It is Parliament that declares her title and the penalties which punish the refusal to recognise it. It is by the authority of Parliament as well as the queen that laws are enacted or repealed, though the queen does not hesitate to legislate, in certain cases, on her own authority through the Privy Council. The queen might emphasise her prerogative in very positive

terms, but she knew well enough that there was a limit beyond which she could not safely go, and she was more than once reminded of this limit. During the debate on the inhibition of Mr Strickland for bringing in a Reformation Bill, Mr Yelverton emphatically asserted the supremacy of the law and the legislative right of Parliament against the crown. "The precedent," he said, according to D'Ewes' Journal, "was perilous, and though in this happy time of lenity, among so good and honourable personages, under so gracious a prince, nothing of extremity or injury was to be feared; yet the times might be altered, and what now is permitted hereafter might be construed as a duty, and enforced even on the ground of the present permission." He further said, "that all matters, not treason, or too much to the derogation of the imperial crown, were tolerable (admissible) there, where all things came to be considered of, and where there was such fullness of power, as even the right of the crown was to be determined."

If the queen was keenly touchy in regard to her prerogative, the Commons were equally touchy in regard to their privileges. At the opening of each Parliament they claimed freedom of speech, freedom from arrest, and freedom of access for their Speaker, as their representative, to the royal presence. They claimed, too, the right to examine the returns made to election writs and to decide all disputed elections. Freedom of access Elizabeth willingly allowed, subject to her convenience. Freedom from arrest by the law officers during the session she was also ready to grant, provided the privilege was not abused. The right of free speech Elizabeth only admitted with qualifications which were at the same time veiled threats. In 1563, for instance, "she granteth free speech so that (if) it be reverently used." In 1571 she gave an evasive answer and reminded them that "they should do well to meddle with no matter of State but such as should be propounded unto them." In 1593, she was distinctly minatory and repressive. "Priviledge of speach is granted, but you must know what priviledge you have, not to speak every one what he listeth, or what cometh into his brain to utter that; but your priviledge is, I or no. Wherefore, Mr Speaker, her majesty's pleasure is, that if you perceive any idle heads

which will not stick to hazard their own estates, which will meddle with reforming the Church and transforming the commonwealth, and do exhibite any Bills to such purpose, that you receive them not, until they be viewed and considered of those who it is fitter should consider of such things, and can better judge of them." In 1597 she again warned "that the said liberties and priviledges should be discreetly and wisely used." On the occasion of her last Parliament in 1601, in view apparently of the threatened onslaught on monopolies, she rebuked the tendency to long-winded, contumacious speeches with a bluntness which must have made the swelling orators feel very uneasy.

It is evident from these recurring cautions and complaints that the Commons were not always disposed to remain within the narrow limits of debate which the queen sought to impose on them. Elizabeth's idea was that they should restrict discussion to the measures which she and her ministers propounded to them. Prerogative must be strictly respected. Reform, if allowed at all, must come from the crown. Parliament should aid the sovereign by passing Bills prescribed to it; it should not propose or discuss Bills obnoxious to the ruler. It should vote subsidies, and for the rest be guided by her supreme will. The Commons, on the other hand, claimed the right to debate all important matters affecting the public weal, to reform abuses detrimental to the public interest. In the early part of the reign they took up the question of the queen's marriage and the succession to the throne. Towards its close they attacked the abuse of monopolies. In the interval they championed again and again the Puritan demand for a further reformation of the Church. On all these questions Elizabeth denied their right to free debate, but though the Commons as a body too often allowed themselves to be snubbed into submission, there were not wanting individual members, such as Peter Wentworth, who almost in every session persistently opposed the cry of privilege to the cry of prerogative, in the discussion of political as well as ecclesiastical questions, and even braved imprisonment for their outspokenness. The difficulty of finding local candidates enabled a considerable number of lawyers to enter the House as members for small borough constituencies, and this lawyer

member was to do yeoman service in the cause of constitutional liberty in the reigns of Elizabeth's successors. But even in that of Elizabeth the lawyer member, who knew his constitutional history far better than the merchant or knight of the shire, made his voice heard in defence of freedom of discussion, and pitted against the high doctrine of the crown the maxims of constitutional theory and practice.

The antagonism to the abuses which had accumulated under Elizabeth's government, and against some of which Bills were vainly passed by the Commons and sent to the Lords in 1588-89, and a petition presented to the queen in 1597, was too strong in the Parliament of 1601 to be longer frowned under restraint. The Commons made a resolute attack on monopolies—so resolute that they at last forced Elizabeth to capitulate. She had, throughout her reign, conferred these privileges very liberally on her favourites among the courtiers. It was an economic expedient for pensioning her servants and flatterers, and it had become the means of intolerable oppression. The courtiers sold or leased their patents to individuals or companies, and these took advantage of their privilege to raise the price of a large number of articles. Some of these, such as salt and coal, were indispensable articles of consumption, and the hatred of the system was consequently both deep and widespread. Many of the members had been sent expressly to Parliament by their angry constituents to demand reform. Hence the Bill brought in by Mr Hide on the 20th November 1601, which, in spite of the strenuous opposition of ministers and interested favourites, secured the warm support of a large majority of the House. In vain did ministers and interested favourites raise the cry of prerogative both during the debate for or against committing it and in Committee. "The use hath been ever," said Mr Francis Bacon, "to humble ourselves unto her majesty, and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. . . . I say, and I say again, that we ought not to deal, to judge, or meddle with her majesty's prerogative." "I am servant unto the queen," cried Mr Secretary Cecil, "and before I would speak or give consent to a case that should debase her prerogative, or abridge it, I

would cut my tongue out of my head. I am sure there were lawmakers before there were laws. . . . If you stand upon law and dispute of prerogative, hark ye what Bracton saith, 'Praerogativam nostram nemo audeat disputare.'" These appeals fell absolutely flat, as member after member rose, amid an excitement which Secretary Cecil described "as more fit for a grammar school than a Court of Parliament," to inveigh against the obnoxious patents and the illegal and oppressive practices of their holders. Most of the speakers professed to respect the prerogative, but prerogative, they insisted, was not to be used to the detriment of the commonweal. "The queen," cried Mr Hide, "cannot do evil by prerogative any more than God Himself can do so." "I cannot utter with my tongue or conceive with my heart," said Mr Francis Moore, "the great grievances that the town and country for which I serve suffereth by some of these monopolies. It bringeth the general profit into a private hand, and the end of all is beggary and bondage to the subjects. . . . And to what purpose is it to do anything by Act of Parliament when the queen will undo the same by her prerogative?" "If we proceed by way of petition," argued Mr Downland, "we can have no more gracious answer than we had the last Parliament to our petition. But since that Parliament we have no reformation. And the reason why, I think, no reformation hath been had is because I never heard the cry against monopolies greater and more vehement." "I speak it, and I speak it boldly," said Sir Robert Wroth, "these patentees are worse than ever they were." In proof thereof he instanced a large number of new patents granted since last Parliament. "Is not bread there?" asked Mr Hackwell. "Bread?" cried several members incredulously. "No," said Mr Hackwell, "but if order be not taken for these, bread will be there before next Parliament."

It soon became evident to both the queen and her advisers that the mere scolding assertion of prerogative would not stay the surging tide of revolt. She sent a gracious message through the Speaker that measures should forthwith be taken to remedy the abuses complained of. "It pleased her majesty to say unto me, 'That as she had ever held our good most dear, so the last day of her and our life should witness it;

and that if the least of her subjects were grieved and herself not touched, she appealed to the throne of Almighty God how careful she hath been and will be to defend her people from oppression, . . . that further order should be taken presently, and not in future, and that some should be presently repealed, some suspended, and none put in execution but such as should first have a trial, according to the law, for the good of the people. Against the abuses her wrath was so incensed that she said that she neither could nor would suffer such to escape with impunity.'" The aged and careworn queen felt no longer equal to the self-assertion of more vigorous days. At such an emergency, too, she felt how far she could go with safety, and had the wisdom to bend to pressure, rather than break under it. The Commons had gained a signal victory. There were more such victories at the expense of prerogative to come in the reign of her Stuart successors. The nation had become restive under Tudor autocracy, and considering what autocracy had meant under a Henry VIII. or a Mary, its restiveness was natural. Throughout the greater part of the Tudor period Parliament had been submissive and even obsequious. At its close it had become alert and distrustful. In the parliamentary debates of the earlier part of Elizabeth's reign in particular the royal prerogative had been challenged only by a few aggressive members like Peter Wentworth, who had been taught the virtue of submission by arrest, imprisonment, fine. In those of its closing years the majority had come into line with the rebellious few, and forced the queen to give way, despite the apostrophes of the defenders of prerogative. Its tone was decidedly reactionary. The general interest is the supreme law, and the ruler must reckon with this law as interpreted by the Commons, and, in such matters, subordinate her will to that of the nation's representatives.

SOURCES.—Tyndale, The Obedience of a Christian Man (1528); Barnes, Supplication to the Most Gracious Prince Henry VIII., and, Men's Constitutions bind not the Conscience (1534); Sampson, Oratio (1534); Bishop Gardiner, Oratio De Vera Obedientia (1535), in Steven's Life of Bradford; The Necessary Erudition of a Christian Man (prob. 1543); Pole, De Unitate Ecclesiastica; Ponet, A

Short Treatise of Politique Power, and Of the True Obedience which Subjects owe to Kings and other Civill Governours (1556, reprinted 1642); Goodman, How Superior Powers ought to be obeyd: Of their subjects and wherein they may lawfully by God's Worde be disobeyd and resisted; Wherein also is declared the cause of all this present miserie in England, and the only way to remedy the same (Geneva, 1558); Aylmer, An Harborowe for Faithful and Trewe Subjectis against the late blowne Blaste concerning the Government of Wemen (Strasborowe, 1559); Starkey, A Dialogue between Cardinal Pole and Thomas Lupret, Lecturer in Rhetoric at Oxford, edited for Early English Text Society by Cowper (probably written about 1538); A Discourse of the Common Weal of this Realme of England (written probably by John Hales in 1549, and edited by Miss Lamond, 1893); Foxe, Acts and Monuments (ed. Seymour, 1838); Sir Thomas Smith, De Republica Anglorum, or The Manner of Government of the Realme of England (about 1581); Hooker, Of the Laws of Ecclesiastical Polity, edited by Keble (1841); Strype, Lives of Aylmer (ed. 1821) and Sir Thomas Smith (ed. 1820); Walton, Life of Hooker, prefixed to Keble's edition of Ecclesiastical Polity; Articles in the National Dictionary of Biography; M'Crie's Life of Knox (1814) which contains valuable notices of the lives and writings of Goodman, Ponet, Aylmer; Figgis, The Theory of the Divine Right of Kings (1896); Blakey, History of Political Literature, vol. ii. (1855, very superficial); Journals of the House of Lords, vol. ii.; Journals of the House of Commons, vol. i.; D'Ewes, Compleat Journal; Townshend, Account of the Proceedings of the Four Last Parliaments of Queen Elizabeth (1680); Prothero, Statutes and Constitutional Documents; Hallam, Constitutional History, vol. i.; Creighton, Queen Elizabeth (1896), and The Age of Elizabeth (1876).

CHAPTER II.

James I. and the Question of Toleration.

The reign of Elizabeth had witnessed the growth of a double opposition to the exercise of the royal prerogative in Church and State. The Puritan party in the Church had striven to assert its Calvinistic tenets in spite of a repressive policy, and though it had been silenced or driven into exile for the time being, the death of the imperious queen was followed by its rapid revival as a militant force. In the Commons, who sympathised to a certain extent with the Puritan demands, the spirit of resistance to autocratic rule had been growing and had finally forced the queen, in the quarrel over an important fiscal question, to sacrifice her will to the declared will of the nation.

The fact of this double opposition—the ecclesiastical as represented by the Puritans, the political as represented by the Commons—did not bode well for the harmony or the success of the reign of her Stuart successor. The accession of James proved in truth to be the exordium of a struggle for political liberty, with its concomitants, intellectual and religious liberty, which was only to find its final decision in the Revolution of 1688-89. The history of England and Scotland during this long period was shaped and coloured by the striving of the Stuart kings to rule in virtue of divine right, and by the striving of the Parliament to vindicate and even enlarge the rights of the subject. The struggle which these counter-strivings induced may be summarised, for the initial enlightenment of the reader, in a series of well defined stages. The first stage is exemplified by the growing friction between king and Commons, which led James I. to dissolve Parliament after Parliament in impotent anger, and evinced the impossibility of Government by mere prerogative in the failure of his internal administration and his foreign policy. This

friction proved to be but the skirmish before the pitched battle of the reign of Charles, when the conflict entered on its second stage and in which it increased in dimensions and intensity as the spirit of resistance or attack became bolder. For fully a decade, Charles, who recurred to his father's expedient of governing without Parliament, appeared to have the best of the strife. But the initial success of this expedient was dashed by the outbreak of contention and ultimately of war between Charles and his Scottish subjects. From Scotland the revolt spread to England, and in consequence of Charles' refusal to recognise the supremacy of Parliament and submit to be a strictly limited monarch, the parliamentary revolt eventuated in civil war, and the issue of this war brought the king to the scaffold and made England and Scotland a republic.

The republic represents the third stage of the struggle. But it was not fitted to be the final one. The republican party crushed; indeed, the opposition of Scotland and Ireland, but it outran the nation both in its political and ecclesiastical principles. It showed, moreover, that if it could fight, it could not rule, and the republic ere long developed into the farther stage of the military dictatorship of Oliver Cromwell. Against this development the reaction in favour of the old constitution became irresistible, and this reaction gave fashion to the fifth stage of the struggle in the restoration of Charles II. as the only alternative to the anarchy into which Oliver's death plunged the nation. The restoration of Charles was, however, conditioned by the constitutional principles which the Long Parliament had vindicated in the first year of its history, and for the greater part of his reign he had to reckon with this fact. Towards its close, indeed, the aberration on the downward path of absolutism in his treatment of both Parliament and nation, and the four years of his maladroit and autocratic successor's reign, were sufficient to beget the counter-reaction, in virtue of which the struggle entered on its final stage in the Revolution of 1688-89.

The century which witnessed the evolution of this tremendous struggle might be called a century of debate. But the debate was not confined to the senate or the forum. It extended to the battlefield, and whether carried on in the

senate or the battlefield, it was wondrously dramatic, full of episode, action in one of the greatest of causes. If loyalty to a king by divine right has its champions, its heroes, its martyrs, liberty transforms even lawabiding Englishmen and Scotsmen into revolutionists, and marshals majorities in Parliament, armies in the field under its sacred banner. It is an era of theories, and theories are not usually dramatic or heroic. We might at times imagine ourselves, in Parliament or camp, in an assembly of lawyers, divines, philosophers. It is also an era of passions; the lawyer, divine, philosopher becomes the tribune, and to this passionate tribune the theory becomes a gospel, its realisation a mission. Liberty, compatible with law, is the passion as well as the theory of the age, and as the struggle progresses this passion embraces intellectual and religious as well as political liberty.

James, it may be said, was almost predestined to precipitate this long and dramatic struggle. To wield Elizabeth's sceptre was a task to which even the great queen in her latter years had no longer been equal. Parliament was, as we have seen, becoming uncontrollable; the Puritans had been defeated, not conquered; the signs of a reaction, on political and ecclesiastical grounds, against the Tudor autocracy were unmistakable. The situation would have tried the resources of the experienced statesman, and though James had been twenty years an active king, he had to fit himself into a situation very different in many respects from that which obtained north of the border. He had been accustomed to deal with a servile Parliament at Edinburgh or Linlithgow, and latterly he had succeeded in forcing his will even on a recalcitrant Kirk. His success in statecraft had confirmed him in his high notions of divine right. His self-consciousness was not lessened by his promotion to Elizabeth's place, and he was not the man to hide it from his new subjects. To be ruled by one who had never before set foot in England and spoke broad Scots was bad enough; to be ruled by a king who in season and out of season murdered the English language to prove his superiority to the English law and constitution was intolerable. In spite of his ability and his shrewdness, it was greatly to be feared that his obtrusive, undignified, pedantic, and irritating self-assertion would not be taken submissively by men who had

learned to thwart the Government even of imperious Elizabeth, and were in no mood to mistake theories for rights. Moreover, while an adept in bluster, he was not a strong ruler. As his reign was to prove, he was easily captivated by the favourites who took him on his weak side. With the exception of Cecil and Bacon, his Government was to become the palladium of weak or worthless men who knew how to humour him, and for the rest only aided him to misgovern the country. If the old courtiers scrambled for the new king's favour, the Elizabethan courtier had ceased to represent the spirit of the English people.

James was brought face to face with one of the chief difficulties of his new rôle even before he reached London. He was met on the way thither by a deputation of Puritans, who presented a petition for the redress of their grievances. Their alacrity in bringing their claims to his notice was natural enough, but they ought to have known that he was already prejudiced against them by his bitter controversy with the Scottish Presbyterians. He had already given vent in the "Basilikon Doron" to his spleen against Puritan democrats, and the antagonist of Andrew Melville was the last man to patronise the opponents of the official hierarchy in England. Besides, he could not well inaugurate his reign by a sweeping change of ecclesiastical policy. Even if he had been otherwise minded, he was bound to accept the Episcopal system established by law, and, judging from his hostile attitude towards Melville and his brethren in Scotland, he was not likely to unfrock the bishop in favour of the presbyter in England. In his eyes, as in Elizabeth's, the bishop was the staunchest prop of the throne, the presbyter the pillar of democracy, a traitor to kingly government. The Scottish king was, in fact, admirably fitted to carry on the Elizabethan ecclesiastical tradition. The word Puritan was as great an offence to him as to Elizabeth, and an official hierarchy which would uphold his ecclesiastical ideas, and which he could nevertheless control as he listed, was an institution after his own heart.

The presentation of the petition, which reiterated the old Puritan objections to the sign of the cross in baptism, the wearing of the surplice, subscription to the undiluted Prayer Book, incompetent ministers and laxity of doctrine, the pro-

cedure of the ecclesiastical courts, especially in the matter of excommunication, was equivalent to probing an old sore. Instantly the universities broke into vituperation, and warned James to refrain from pandering to these factious and traitorous preachers. He did not, however, allow such fulminations to close the question. He took the very sensible step of hearing both parties and deciding for himself. Hence the conference of Episcopal dignitaries and Puritan divines which met at Hampton Court, on the 14th January 1604, to debate their differences, with the erudite monarch for umpire. James, indeed, played his part in the debate with tolerable fairness and great credit to his theological skill, until an unlucky reference by Reynolds to the word presbyter proved too much for the royal equanimity. "A Scottish Presbytery," he burst out, "agreeth as well with a monarchy as God and the devil. Then Jack and Tom, and Will and Dick shall meet, and at their pleasure censure me and my Council and all our proceedings. Then Will shall stand up and say, 'It must be thus'; then Dick shall reply and say, 'Nay, marry, but we will have it thus.' . . . But, Dr Reynolds, until you find that I grow lazy, let that alone." The immediate result of the attempt at conciliation was thus to deepen the royal antipathy to the English Puritans. "If this be all that they have to say," he concluded the second session of the conference, "I shall make them conform themselves, or I will harry them out of the land, or else do worse." The Puritans, with the exception of some trifling concessions, were sent away empty-handed, and James, who harboured the mistaken notion that Puritanism was incompatible with loyalty, imprisoned a number of the petitioners. They must conform to the Prayer Book as well as the Calvinistic Lambeth Articles, and acknowledge the royal supremacy over the Church, or else submit to be "harried out of the land."

It was a momentous decision in English history; contributed, in fact, to give to that history the trend of a whole century. It involved strife, nay, revolution, in both Church and State. This strife was almost inevitable, though there certainly was room for concession and adjustment on both sides. If the umpire had not turned partisan and trembled for his throne at the mention of the word presbyter, if bishops

like Bancroft had been less domineering and vituperative, if men like Reynolds had been content to curb their Calvinistic zeal, the seventeenth century of English history might, probably would, not have been a century of revolution. The factors of that revolution were as much ecclesiastical as political, and the abandonment of the intolerant and coercive policy of the previous reign would have materially reduced the danger of friction between people and monarch both in the Church and the State. There were men like Francis Bacon who saw the advisability, on utilitarian grounds, of agreeing to differ in non-essentials, and being content to be Christians in faith and practice. Bacon was a philosopher, and the reasonings of the philosopher in the "Considerations Touching the Better Pacification and Edification of the Church of England" were thrown away on the High Church zealots to whom order was of more account than the Sermon on the Mount, and the narrow purists who had read to so little account the thirteenth chapter of first Corinthians. In these circumstances it is as useless for us to moralise on the conjunction "if," as it was for Bacon to expatiate on the doctrine of unity in essentials and diversity in externals. Nay, it was, after all, in one sense well that James took the attitude he did. It made the ultimate vindication of religious and political liberty certain.

In the course of the year Bancroft, Whitgift's successor as Archbishop of Canterbury, had carried through Convocation a Book of Canons which declared the royal supremacy over the Church and the accordance of the Prayer Book and the Thirty-nine Articles with the Word of God, and denounced excommunication against those who ventured to demur. The archbishop had the staunch support of the king and Council, if not of all his Episcopal colleagues in this intolerant policy. The results of the demand for subscription were the deprivation of about 300 ministers, who refused to comply, and the virtual closing of the universities, whose members were required to take an oath incompatible with Puritan, and especially Presbyterian, views, to all Nonconformists. With the advent of Bancroft who held the extreme doctrine of the divine right of Episcopacy, and thus outdid Whitgift in his intolerance of dissent, the current set strongly, in a section

of the Church, towards that exaggerated conception of both monarch and bishop which was to find mature expression in Laud.

In striking contrast to the vehement rancour of his attitude towards the Puritans, James at the outset of his reign assumed a conciliatory tone towards the Catholics. He was prepared to tolerate Catholics who, while loyal to their religion, were also loyal to their king. If they refrained from treasonable intrigues, he would not only wink at the laws against recusants, but even promote them to offices of State. He would, he assured Cecil, in prospect of his accession to the English throne, be no persecutor for a difference of religion, though he could not permit an active Catholic propaganda, and would banish intriguing priests and Jesuits.

Such assurances were no doubt actuated by policy as well as by the spirit of moderation. It was James' business as suitor for the English crown to conciliate all sections of the English people, and his attitude towards the popish lords in Scotland had shown that he was ready to strike the middle way as between the Catholic and Protestant zealots of the time. In his opening speech to his first Parliament he reiterated his determination to discriminate between reasonable, moderate Papists and the fanatics who placed their allegiance to the pope before their allegiance to the king. The former he was ready to tolerate as mistaken fellow Christians, and to mitigate the laws against their creed. Nay, he would even go half-way towards a general reconciliation of Christendom. The latter he would vigorously repress as "perturbers of the commonwealth." And while he might suffer honest Catholics in the hope that they might come to see their errors, there must be no proselytism. The increase of the adherents of the pope could only tend to endanger the independence of his crown.

He proved the sincerity of his professions by making Catholics like Lord Thomas and Lord Henry Howard members of the Council and raising them to the peerage. He remitted the fines against recusants and assured the chief Catholic laymen that the penal laws would not be enforced against loyal subjects. He had, however, not been many months on the throne before he discovered that the priests

would not be "quiet." Catholics like Watson and Markham plotted to seize him, confine him in the Tower, convert him, or depose him if he would not be converted. Even Protestants like Raleigh and Cobham were accused of sharing, from personal motives, in these intrigues. Against such plotters James let the law take its course, and even banished by proclamation, of date 22nd February 1604, all Jesuits and seminary priests. The Gunpowder Plot was the counter-stroke of these priests, and the Gunpowder Plot sealed the doom of the policy of benevolent compromise towards the more moderate votaries of the old creed. The priests and their agents, chief of whom were Catesby, Winter, Percy, Gerard, and Fawkes, determined to rid themselves of their enemies by blowing them up *en masse* at the meeting of Parliament in 1605. Their deadly purpose was steeled by a stringent Bill against both priests and recusants which both Houses passed, and to which James gave his assent in the summer of 1604. The policy of compromise had emboldened the Catholics to profess their religion openly, and the Bill was the outcome of the widespread alarm at the increase of their numbers. It was so harshly applied by the judges on circuit that several recusants were executed. At the same time the fines under the old penal laws were more and more rigorously exacted. James had, in fact, caught the alarm of the more nervous Protestants in spite of his profession and promise of toleration, and his tone changed from reasonableness to threatening. He earnestly enjoined the Council to see that the recusancy laws were strictly enforced, and the victims of his Protestant zeal might be counted by the thousand. Their sufferings lent zest to the subterranean labours of the zealots who were toiling at the task of undermining the walls of the Parliament House from the hired building which abutted it. The thickness of the wall made the task an arduous and lengthy one, but the discovery of an adjoining cellar, which ran under the Parliament House, solved the problem. The conspirators hired the cellar, placed in it twenty barrels of gunpowder, covered them with wood and faggots, and dispersed to organise the insurrection which the dastardly crime was to inaugurate. Happily a hint from Tresham, one of the conspirators, to Lord Mounteagle, his Catholic brother-in-law,

not to attend the opening of the Parliament, led to its opportune discovery.

Toleration of fanatics that could plan and put in execution such a diabolic outrage was certainly premature. It need not surprise us if not only the would-be perpetrators, but their co-religionists suffered from such a revelation. The conspirators were run to earth at Holbeach, in Staffordshire, and either killed in the skirmish or executed after trial. Their co-religionists had to submit to an aggravation of the recusancy laws, which compelled them not only to go to the Protestant Church, but to take the sacrament once a year at least, on pain of a heavy fine for refusal, and decreed a reward out of the recusant's property to the informer. They were further required to take a stringent oath of allegiance, which bound them to disown the authority of the pope within the realm, without equivocation or reservation whatsoever, and more particularly the papal power to depose the lawful monarch, or raise sedition against him, or absolve his subjects from their obedience, to preserve their allegiance, disclose all conspiracies, and condemn "the damnable doctrine" that excommunicated princes may be murdered by their subjects. Refusal to take the oath rendered the person so refusing liable, in the case of men, to the penalty of præmunire; in the case of women, to imprisonment in the common gaol. Against this oath no patriotic Catholic could take reasonable objection in the circumstances. A dastardly plot had been unearthed in the service of a Church of which the pope was the head, and though the pope was no party to the fanatic attempt, the papal assumption of the right of excommunication and deposition might well, at such a crisis, appear as a deadly menace to the safety of the State. In the prevailing terror and indignation, however, James and his Council forgot to discriminate, and by making it a crime punishable by heavy fines to refuse to take the sacrament in a parish church, outraged the consciences of honest Catholics who had no sympathy with wholesale murder for religious ends. To demand such a flagrant act of hypocrisy and sacrilege was to ask honest and moderate Catholics not only to forswear the authority of the pope, but to forswear their religion itself. The reason alleged for this excess of coercion—the hypocrisy

of those who conformed so far as to attend church in order to escape the penalty for non-attendance—was really an argument against the compulsion of such hollow conformity. It was the law that made the hypocrite, and the Government, apparently realising this, does not seem to have strictly enforced it. Moreover, they were still liable to prosecution, fine, imprisonment under the old recusant laws for refusing to go to church, and in addition they were subject to a variety of disabilities which deprived them of most of the rights of citizenship. No convicted recusant could practise the law as solicitor or advocate; he could not hold the office of judge, or indeed any public office; he could not hold any military appointment; he could not be a doctor or apothecary under penalty of £100, half of which went to the informer. Their marriages were not valid unless the ceremony was performed in accordance with the rite of the English Church, and neither husband nor wife, not so married, had any claim to each other's property in case of death. They were bound to have their children baptized by a Protestant minister on pain of fine, the third part of which to go to the informer. From these specimens of statutory proscriptions, which in two years from James' accession swelled the statute book, we may realise how completely the policy of toleration had failed. It is nevertheless very questionable whether its failure was the inevitable concomitant of the plot. Seven years before, the Edict of Nantes had secured for the Huguenots the full recognition of citizenship in a Catholic country, despite the religious antagonism which had drenched the soil of France with blood for fully thirty years. Unfortunately, James I. was no Henry IV., and accordingly we have the unedifying spectacle of Catholics in a Protestant country being victimised by an intolerant king and Parliament for the murderous folly of a few fanatics, whilst the Protestant victims of Catholic intolerance were being emancipated from similar iniquitous legislation across the Channel. The scare of the plot is some excuse for the access of severity which made James so sweepingly belie his profession of toleration. He was prone to take fright—has, in fact, been described as a coward—and his nervousness, in leading him to mistake a few fanatic plotters for the English Catholics, certainly ran away with his sense of justice and his

perspicacity. France had suffered unspeakable woe from the conflict of religious antagonism and passion. Yet France under Henry's wise auspices agreed to compromise in the face of the bitterness of a generation of civil war. Surely England might have followed its example in the face of even a plot to blow up the Parliament House, which was the work of a few religious anarchists, not of the mass of their co-religionists. The anarchists might have been proscribed, as they deserved to be, without making their loyal co-religionists, to whom transubstantiation and the worship of the Virgin constituted the essence of religion, the victims of a barbarous legislation. The threat of deposition, invasion, conquest, which had made Catholic intrigues so real a danger in Elizabeth's reign, was now happily quiescent. Philip was gone, and Philip had left the Spanish monarchy a wreck. James could, in fact, bring the struggle to a close in the conviction that he had nothing to fear from the Spanish enemy. He could reckon on the alliance of France and Holland, and in the face of this triple alliance and the Spanish collapse, Papist invasion and revolution were mere chimeras.

SOURCES.—Correspondence of King James with Sir Robert Cecil, edited by Bruce for the Camden Society (1861); Barlow, The Summe and Substance of the Conference (at Hampton Court) (1604); Bacon, Considerations for the Better Pacification and Edification of the Church (*apropos* of the Hampton Conference) (1603), in Spedding's Letters and Life of Bacon, vol. iii.; Wilkins, Concilia Magnae Britanniae, iv., for the Canons of 1604; Statutes at Large, vol. iii.; State Papers of James' Reign (Domestic), 1603-10, edited by Mary A. E. Green; State Trials (Cobbett, vol. ii.) (1809); Jardine, Narrative of the Gunpowder Plot (1857); Lords' Journals, vol. ii.; Commons' Journals, vol. i.; The Parliamentary or Constitutional History of England from the Earliest Times to the Restoration of Charles II., selected from the Journals of both Houses, Records, MSS., &c., by several Hands (1751); Cobbett, Parliamentary History, i. (1806); Gardiner, History of England from the Accession of James I. to the Disgrace of Chief Justice Coke (1863).

CHAPTER III.

Outbreak of the Quarrel between King and Commons (1604-1611).

James opened his first Parliament at Westminster on the 19th March 1604 with a lengthy and wordy speech. Though characteristically voluble and self-conscious, the royal orator said nothing, with the exception of a hit at the Puritans, that could rasp the feelings of his hearers. Some of his utterances rose, in truth, to a high plane of statesmanship, and betokened a man of large ideas in some points of national policy. He was profuse in his thanks for the kindly welcome extended to him, proclaimed himself a lover of peace and toleration (except towards Puritan democrats and Papist plotters), emphasised the significance and the reasonableness of the union of the two kingdoms, exhorted his listeners to aim at making good laws rather than many laws, and professed his dislike of tyranny and his devotion to the interests of the commonwealth.

The Speaker, Sir Edward Phelipps, was equally voluble and still more bombastic in his reply on behalf of the Commons, though he managed to slip in among his metaphors and hyperboles a plain statement of the legislative rights of Parliament, "by whose power only new laws are to be instituted, imperfect laws reformed, and inconvenient laws abrogated."

Unfortunately for James, these amicable preliminaries did not inaugurate a harmonious session. The session was, in fact, a long wrangle over the demands of the king and the proposals of the Commons. James imperiously interfered in the contention between the Commons and the Court of Chancery as to the right to decide disputed elections. His interference only evoked the resolute assertion of their exclu-

sive claim to judge election returns in the interest of the independence of the House and the rights of the constituents, and finally led to the recognition of this claim by the baffled monarch. On the question of a closer union with Scotland, they refused to recognise the title of King of Great Britain which he was eager to assume, though they went the length of nominating a Union Commission to treat with the Commissioners of the Scottish Parliament. They further irritated him by pressing for ecclesiastical reforms on Puritan lines, and formulated a number of Bills, which were, however, rejected by the Lords, in favour of some of these reforms. They petitioned against such feudal abuses as wardship, respite of homage, tenure in capite, purveyance, which James was loth to waive as a matter of prerogative and a source of revenue.

On the other hand, while they busied themselves with reforms distasteful to the king, they showed no sign of honouring the event of his accession by a substantial grant. They passed a Tonnage and Poundage Act, granting the king the usual duties on wines and on exported and imported goods, but they were in no hurry to grant a subsidy, and James forestalled the menace of a disagreeable discussion by an injunction discharging them "from meddling any further in that question." The situation became so strained that the Commons determined to vindicate their attitude and their legislative activity throughout these four months of friction in an address or apology to the king. They renewed their expression of loyalty to his majesty's person, were anxious to clear themselves from the aspersions of those who had misinformed him as to their proceedings and sought to prejudice him against them. In what they had done they had striven to perform their duty to themselves and their constituents as well as the king, and they reminded him that the privileges and liberties of Parliament were theirs by "right and due inheritance," and "cannot be withheld, denied, or impaired without apparent wrong to the whole state of the nation." Nevertheless their privileges, they complained, "have been more universally and dangerously infringed than ever since the beginnings of Parliaments." They had hoped in the new reign to see an end of all

attempts to encroach on their rights which, out of respect to the age and sex of the late queen, they had suffered on occasion. They had been grievously disappointed, for (contrary, no doubt, to his majesty's intentions, and in consequence of the misinformations referred to) there had been a systematic attempt in this Parliament to deprive them, not only of their privileges, but "of the whole freedom of the Parliament and the nation." In proof of which, they adduced particular examples, *i.e.*, encroachment on the right of free election and free speech. "What cause we, your poor Commons, have to watch over our privileges is (therefore) manifest in itself to all men. The prerogatives of princes may easily, and do daily grow. The privileges of the subject are for the most part at an everlasting stand. They may be by good providence and care preserved, but being once lost, are not recovered but with much disquiet. If good kings were immortal as well as kingdoms, to strive so for privilege were but vanity, perhaps, and folly, but seeing the same God, who in His great mercy hath given us a wise king and religious, doth also sometimes permit hypocrites and tyrants in His displeasure and for the sins of the people; from hence hath the desire of rights, liberties, and privileges, both for Nobles and Commons, had its just original." In regard to the proposed union, they pleaded that the novelty and difficulty of the subject rendered discussion unavoidable, and instanced the appointment of a Commission as evidence of their desire to meet his majesty's wishes. They defended their demand for ecclesiastical reform as necessary for the welfare of the State, and adduced the same plea in explanation of their efforts to abolish oppressive feudal abuses. Finally, they besought his majesty to beware of alienating the love of the people by nurturing the suspicion that evil councillors might presume to traduce their representatives and override their rights. Let him be guided by his faithful Commons, as representatives of the people, "whose voice in things of their knowledge is said to be the voice of God."

This spirited and reasonable vindication of their obstructive attitude made James very angry, and he gave vent to his anger in no measured terms in the prorogation speech with which he rated them out of his presence as if they had been a

parcel of schoolboys. "It hath been the form of most kings to give thanks to their people, however their deserts were. . . . I will not thank where I think no thanks due. In my government bypast in Scotland (where I ruled upon men not of the best temper) I was heard not only as a king, but as a counsellor. Contrary, here nothing but curiosity, from morning to evening, to find fault with my propositions. . . . You see in how many things you did not well" (referring to the Union and Puritanism). "The best apology maker of you all, for all his eloquence, cannot make all good. Forsooth, a goodly matter to make apologies when no man is by to answer! You have done many things hastily. I say not you meant disloyalty. . . . Only I wish you had kept a better form. I like form as much as matter. It shows respect, and I expect it, being a king as well born as any of my progenitors. I wish you would use your liberty with more modesty in time to come. You must know now that the Parliament not sitting, the liberties are not sitting. My justice shall always sit in the same seat."

Under the scare of the Gunpowder Plot the session of 1605-6 (November to May) was quite harmonious. The chief business was to concoct repressive measures against nefarious Papists, and in this business king, Lords, and Commons cooperated with all too keen zest. The results of their indignation and zeal we have already learned from the statute book. The spirit of harmony is further apparent in the large grant, to be spread over four years, with which the Commons, after lengthy debate, but without undue procrastination, agreed to come to the relief of their impecunious monarch. James, in fact, was so gratified by the expressions of goodwill to himself during the debates that he sent to ask that "a committee might be named to make demands and propositions." He even pressed on the Lords the necessity of some reform in matters ecclesiastical, especially in reference to the abuse of excommunication, though neither he nor the Lords were prepared to go the length of the larger demands of the Commons, and they had to be content with a measure to limit excommunication, which became law. They were not more successful in their renewed efforts to abolish purveyance, and debated whether they should condition the grant by the redress of this

and other grievances, which they enumerated in a long petition. They thought better of it, and resolved to await an answer to their petition till the following session. Even on the subject of the union they humoured the king so far as to pass a Declaratory Act, which, however, committed them to nothing. No wonder that the prorogation speech was couched in very different terms from those of 1604.

This mutual goodwill in the work of legislation was, however, short-lived. On reassembling in November 1606 for their third session, the Commons, indeed, found James fairly reasonable on the subject of the petition for the redress of grievances. Every grievance, he assured them in his opening speech, if unlawful, ought to be abolished, if lawful and yet tending to abuse, should be reformed, if doubtful in law, should be put to trial and decided in accordance with law. As to the abuse of purveyance in particular, he had done his best to abolish it. With these assurances the Commons appear to have been satisfied, and the question which imparted to the session its dominant discordant note was the touchy one of a closer union with Scotland. With the controversy over this question, which related to general national policy, we need not concern ourselves further than to say that it embittered once more the relations of king and Commons and led James to postpone another session for nearly three years.

The financial difficulties, which accumulated with each additional year, rendered it impossible for him to dispense indefinitely with the co-operation of Parliament in the work of Government. By 1610 the financial question had become extremely urgent, and this question is of capital importance in the struggle between king and Commons. James' extravagance was a heavy drain on his purse. He was the very antithesis of Elizabeth in his facility for allowing himself to be mulcted by favourites and pension hunters. He was equally profuse in his personal expenses, was incapable, even in the face of an alarmingly growing debt, of restricting them, and though he had his fits of financial retrenchment, he relapsed immediately into his spendthrift ways. His accession had, besides, necessitated extraordinary expenditure, and within three years of it the royal debt had nearly doubled, in spite

of the peace with Spain, and he was virtually bankrupt. His letter to the Commons, of date 18th March 1606, urging them to be expeditious in their grant, shows the desperate straits to which he was reduced. On the other hand, while the expenditure went up with a bound owing to extravagance and mismanagement, the tendency of the revenue receipts was to decline. The amount derived from subsidies, tenths, and fifteenths—that is, from parliamentary revenue—had, in truth, been steadily sinking during the reign of Elizabeth. In 1572 a subsidy and two tenths and fifteenths represented £175,690, in 1594 £152,290, in 1602 £134,470. In the third year of James' reign the amount had fallen to £123,897. Moreover, the value as well as the amount of this revenue had considerably decreased compared with that of an earlier time. Thus, while the country was on the whole becoming wealthier, the king was becoming poorer. Apart from extravagance and mismanagement, it was extremely difficult, if not impossible, for the monarch to make ends meet on an income which had not only shrunk, but was equivalent to a much smaller sum than the same amount represented two hundred or even one hundred years earlier. And the constitutional significance of this eternal impecuniosity is a capital one. It was the grand obstacle to the realisation of his hobby of playing the absolute king. He might harp on his divine right and his prerogative in Parliament and out of Parliament. But an absolute king cannot live on an impossible income, and must perforce call the Commons together, if he is to escape from financial chaos. Or, he might turn his back on Parliament and try to invent all manner of expedients in virtue of his prerogative to fill the Exchequer. But if even arbitrary expedients should fail him, he must come back to Parliament in spite of himself. Thus it came to pass that he could not avoid the necessity of giving Parliament the opportunity of occasionally grasping the reins in his mad career as would-be Apollo of the State, and checking if not bringing the royal chariot to a standstill. Of such opportunity the Commons did not fail to avail themselves, and thus the conflict between king and Commons assumes so largely the character of a quarrel about ways and means. It would be an exaggeration to say that the conflict was at bottom a financial one. There were other and greater issues

at stake—constitutional, legal, ecclesiastical—but the financial factor played a highly important part in the struggle.

James' impecuniosity drove him not only to squeeze Parliament, but to seek a remedy in new and arbitrary sources of revenue. A duty on currants had been exacted in Elizabeth's reign either by the Government, or by the old Levant Company, which possessed a monopoly of the trade. The imposition continued to be levied by James without demur till his right was challenged by John Bates, a member of the new Levant Company, in 1606. Bates was imprisoned in the Marshalsea for contempt, but his fellow-merchants appealed to the Commons, who placed this grievance in the list drawn up at the end of the session 1605-6. To forestall further opposition James submitted the question of right to the Barons of Exchequer. The judges decided that the king might, by virtue of prerogative, levy impositions on all articles of import or export, and consequently on currants. One of them indeed, Baron Fleming, promulgated the questionable doctrine that the king, being possessed of an absolute authority, besides his ordinary royal power, might exercise his prerogative in all cases in which the interest of the commonwealth demanded it. He was, moreover, entitled to direct foreign affairs, regulate commerce at his discretion, and how could he adequately regulate the foreign trade relations of the country without the right of imposing duties on imported goods? Baron Fleming admitted, however, that James could not stretch his prerogative so far as to levy impositions on commodities within the realm without consent of Parliament. His subjects might trust him not to act to their detriment in taxing articles of foreign trade.

For the present the Commons accepted the decision without criticism. They apparently did not perceive that this reasoning might have serious consequences for others besides currant merchants. Their intelligence was erelong to be sharpened by their experience of the exercise of James' "discretion" in such matters. There is, however, no reason to believe that the Government was merely seeking for a pretext to launch a subtle policy of oppression against the subject. Even Chief Justice Coke, the future protagonist of the opposition to unconstitutional government, gave it as his opinion

that the law had been rightly interpreted. It is none the less patent that the decision was forced, and, in the case of a ruler who was perpetually harping on his prerogative in other weighty matters, might become dangerous. The statute of Edward I. limiting the power of the king in the matter of customs was explicit enough, and the whole trend of English constitutional history had been to restrict to a minimum the means of enabling the king to dispense with the consent of Parliament in matters of taxation. The decision looked like a reversal of this tendency in favour of the crown, and it was unlikely that the practical experience of this reversal would be tolerated by an assembly which had already manifested such a keen consciousness of its rights.

The fourth session of James' first Parliament, which began on the 9th February 1610, made this unlikelihood certainty. Salisbury, who succeeded Lord Dorset as Treasurer in April 1608, had a dolorous tale of his majesty's financial troubles to tell the Lords. James was in truth on the verge of bankruptcy. The maintenance of the household was an increasingly expensive item. The royal profusion to the men about court had gone on increasing, despite occasional attempts to economise. He had bound himself by a formal deed not to alienate crown property, but he was none the less easily wheedled out of largesses in money. The scandal of this profusion was the talk of the country; and this talk had become increasingly indignant with the growth of the evil. The fact that many of the favourites on whom the public money was thrown away were Scotsmen did not lessen the public anger. Ireland, too, was still in a rebellious mood and had swallowed large sums in payment of the army of occupation which James was forced to maintain. There had been, in addition, extraordinary expenses such as the entertainment of the King of Denmark. The responsibility for this increasing expenditure certainly did not lie with the Lord Treasurer. Salisbury had done his best to pull James out of the quagmire of impecuniosity, and while helpless to reduce expenditure, had managed to clear off a portion of the debt. In 1608 it amounted to nearly £1,000,000. Two years later he had reduced it to £300,000. His success was due to his liberal recourse to the expedient of levying impositions which the judges of the

Exchequer had declared to be legal in 1606. As the result of a conference with the London merchants he produced a scheme of new duties or impositions (Book of Rates) to be levied on a large number of articles besides currants and tobacco—1,100 in all. Most of these were, however, either articles of luxury or of foreign manufacture, whilst the existing duties on currants, tobacco, &c., were considerably reduced. The impositions on foreign goods would, Salisbury argued, tend to encourage home industries.

Despite the effort to make it both plausible and equitable, the new policy was by no means popular. The new impositions brought in a sum of £70,000 to the Exchequer, in addition to the £57,000 which accrued from currants and tobacco. £70,000 represented a very large sum in those days, and the sudden inflation of these extra duties in the ratio of 12 to 1 was a serious check to trade. The merchants loudly complained that the new policy was ruining them. Nor could it claim the merit of being adequate to the end proposed. Though it enabled Salisbury to reduce the debt, it did not suffice to make ends meet, and at the convocation of Parliament in the beginning of 1610 the receipts fell short of expenditure by £46,000. A deficit of £46,000 was not in the circumstances an argument likely to commend the new policy to the House of Commons.

The request for a supply which Salisbury made at a conference of the Lords and Commons on the 15th February was not, therefore, received in the best of humour. "Will you," queried he, in conclusion, "see the shippe of estate drive so near the porte and suffer it to perish, considering that your owne fortunes are imbarqued therein?" The Commons, nevertheless, showed no alacrity to rush to the rescue, and, on the contrary, entered on a course of debate and conference which lasted two sessions instead of one, and ultimately ended in their leaving the ship of State and its steersman to their fate. A subsidy, they contended, on retiring to their own chamber, can only be considered at the end of the session. It is, besides, for the Commons alone to grant or refuse it, and before discussing the question they must first consider the reform of abuses—wardship, feudal tenures, purveyance, the royal extravagance, for instance. They were willing, in con-

clusion, to contract with the king for the redress of such grievances, if only they could get the Lords to join them in petitioning his majesty to waive these oppressive rights for a fixed annual sum. This course by no means commended itself to James and his Lord Treasurer. The question, insisted Salisbury, at a second conference with the Lords on the 24th February, is not, What will the king give to his subjects? but, What will the subjects give to the king? In other words, the rôle of the Commons is not to stand forward as the champion of the nation, but simply to do the king's will—in this case to grant supply and be content with what "retribution" his majesty might give at his royal pleasure. Supply he set down at £600,000, with a permanent addition of £200,000 if he should consent to waive the hereditary revenue of the crown derived from wardship and feudal tenures.

The Lords complied so far with the reforming policy of the Commons as to transmit their petition for the reform of these abuses to the king. James, they discovered, was very touchy as to the limitation of his prerogative in these matters, and kept them waiting a considerable time for a definite answer. Pending this answer, the Commons called the attention of the Lords to a book entitled "The Interpreter"—a law dictionary written by Dr Cowell, Reader in Civil Law at Cambridge, in which the royal power and prerogative were exalted at the expense of the rights of Parliament. In the article "Prerogative," the writer boldly asserted that the King of England was an absolute king, and it was an open question whether he could not make laws and demand subsidies *de jure* without consent of Parliament. It was, he roundly asserted in the article "Parliament," incompatible with the constitution of an absolute monarchy to bind the prince by the laws made in Parliament. A subsidy, he further contended (article "Subsidy"), was merely the recognition of his majesty's goodness in waiving his absolute right to make laws without consent of Parliament. Moreover, the king (article "King") may, in spite of his coronation oath, "alter or suspend any particular law that seemeth hurtful to the public estate." These doctrines the Commons declared to be scandalous and dangerous, and they energetically demanded the punishment of their author. So keen was their indignation that James

himself intervened with a condemnation of Cowell's presumption in writing on such matters as his prerogative and the rights of Parliament. He sent a message by Salisbury to both Houses that if he had known of the publication of the obnoxious book he would have suppressed it at once. This he would now do by proclamation. He even went the length of unequivocally admitting the limitation of his power. "Though," said Salisbury on his behalf, "the prerogative of princes is a thing that will admit of noe disputacion, kings being God's images . . . and further that for his kingdome he was beholden to noe elective power, neither doth he depend upon any popular aplause, yet he doth acknowledge that the lawe did set the crowne upon his head, and he is a kinge by the common lawe of the land. . . . He had noe power to make lawes of himselfe, or to exact any subsidies *de jure* without the consent of his three Estates."

This declaration was explicit enough, and the satisfaction of the Commons was increased a few days later (12th March) by the royal permission to treat for the abolition of wardship and tenures in return for a certain round sum. This sum the Commons fixed, after a fortnight's debate, at £100,000. James, however, insisted on £200,000; the Commons stood firm, and the negotiation accordingly fell through on the 4th May.

Baulked in their effort to compound for these feudal burdens, the Commons took up the question of impositions. Here again they came into collision with the royal prerogative, and James, in an acrimonious speech, on the 21st May, insisted on his right to levy impositions, though he would agree to consult Parliament before levying additional ones. At the same time he would not absolutely bind himself by parliamentary consent. Did not the kings of Denmark, Spain, and France exercise this right, and should a king of England be denied it? Let them not, therefore, in that matter presume further to question or debate his prerogative.

The Commons were furious and were determined not to give way. Next day member after member raised his voice in spirited vindication of the right of freely debating all matters concerning the interest of the individual as well as the commonwealth. They finally resolved, therefore, to present a petition, claiming "this ancient, generall, and undoubted

right." They had no desire, in discussing, to impugn the prerogative. The courts of justice had often discussed, without denying it. But they would know whether it could be exercised in a matter which affected the country so seriously. To this end debate was indispensable, and they could not waive their right to debate on such matters without grave danger to "the ancient liberty of the realm."

James receded before this vigorous language, and made haste to remove the embargo on free speech. He granted the petition, explicitly promised to impose no further impositions "except in Parliament," and urged them to get to business at last, and grant him supply. This conciliatory answer gave great satisfaction, and the mollified House took up the subject of the Contract once more, only to spend week after week in conference and discussion, and to gravitate, on the 23rd June, once again, in spite of Salisbury's appeal for expedition, to the grievous question of impositions. An intricate debate of four days' duration followed. Lawyers, like Fuller and Wentworth, ransacked the statute book to prove that the king could not impose without consent. The very fact, for instance, that tonnage and poundage were granted by Parliament to the sovereign at his accession showed that the king had no right to levy such duties by his own fiat. On the other hand, argued Montague, another city member, and afterwards Chief Justice of the King's Bench, these objections are not to the point. The customs are inherited by the crown, and the king, as protector of trade, is entitled to increase them so long as they are moderate and reasonable. There is no law to hinder him from levying these impositions except in the case of the three staple commodities, wool, skins, and leather. A lengthy argument on the same side brought Bacon, who had become Solicitor-General in 1607, to the same conclusion. But what, asked his opponents, of the classic statute of Edward I. (25 Edward I.), by which the king bound himself and his heirs not to exact an oppressive imposition in deference to the complaints of the Commons? The statute, insisted Bacon, only prevents the king from imposing on the three articles which it mentions—wool, skins, leather. But it is so worded that the undertaking by the king evidently applied to all such oppressive taxes, whatever the article taxed.

"We will not take *such things* without the assent and goodwill of the Commonalty of the realm." So contended Mr Hakewill, Member for St Michael's. The inhibition was general, not particular, and this further appeared from a statute of Edward III. (14 Edward III.), which Bacon had striven to wrest in support of his contention, and in which the king asks the Commons to consent to certain extra impositions for a given period, and distinctly promises to levy no impositions beyond the usual customs after its expiration. But had not the judges in Bates' case explicitly conferred this right on the king by the common law? The judgment, retorted Hedley, Member for Huntingdon, may bind the parties; it does not necessarily bind Parliament. Parliament may object to the judgment, impugn it, and declare its will in the interest of the commonwealth. *Salus populi suprema lex.* Sir Robert Hitcham, Member for Lynn, eschewed legal argument, and spoke from the common-sense point of view. He preferred the middle course, and would allow the right of imposition where it did not prejudice the commonwealth. Mr Yelverton, Member for Northampton, and subsequently Justice of the Common Pleas, anticipating an argument not unknown in our own days, held that the king (we should say the Government) must possess the right of imposition in order to be able to negotiate on an equal footing with foreign powers. He would even go the length of recognising the absolute right to impose in virtue of the common law, international law, and the prerogative. This conclusion was denounced by Mr Martyn, Member for Wotton Basset, as conferring on the king "an arbitrary, irregular, unlimited power." The advocates of prerogative might, he contended (also from the common-sense standpoint), distinguish between his regal or absolute and his legal power, but what boots it to speak of his legal power if the king is the judge of the limitations imposed by the law on his regal power? The King of England is the most absolute of kings in his Parliament, but, by himself, his power is limited by the law. Only those who make it can change it. The Attorney-General, Sir William Hobart, brought back the discussion into the domain of legal technicality. His study of the common law had convinced him, he admitted, that the king can-

not change laws without assent of Parliament. But in all sóvereign States there are certain *jura majestatis* (rights of peace and war, creation of magistrates, summoning of assemblies, &c.). If the State be popular, these reside in the people; if a monarchy, in the king. That the right of levying impositions was among the number, he laboured to prove by citing precedents which, in his view, were incontrovertible. Precedents, he admitted, might be quoted in support of the contrary, "but," argued he, "if you confesse my precedents, the question is at an end." The fact that he quoted the classic statutes of both Edward I. and Edward III. among the number, does not, however, make his learned argument more plausible.

With the learned Attorney-General's contention we may close the debate, though a large number of lawyers, among them Whitelocke, Finch, and Laurence Hyde, still brought the battery of their erudition to bear for or against it before the speakers on both sides expended all their powder, as Carleton put it, on the 2nd July. It is not easy to follow the argumentation of the lawyers in the form in which it has been handed down to us. We have, for the most part, only the barest outline of what they said both *pro* and *contra*. But fragmentary as the report of the scribe is, the debate is a brilliant illustration of how the statutes of the realm may be quoted and twisted to prove diametrically opposite propositions. The lack of precise terminology and the difficulty of applying it to a given case centuries after its enactment, as well as the bias of the disputants on either side, must be discounted. But even making allowance for these drawbacks, it appears evident that the men who argued against these impositions seized on the whole the true import and bearing of the musty documents to which they appealed. The statutes which prohibited Edward I., Edward III., and other kings from levying impositions were clearly directed against the exercise of a power detrimental to the commonweal. The Commons of that time struck at the system as well as at its exercise in particular cases. Whether the Commons of that time took care to use unequivocal terms or not—and the contentions of the crown lawyers and their supporters point to looseness of construction—it is certain that no im-

position that was grievous to the subject was considered to be legal, and the Commons in 1610 were only acting in accordance with the spirit of the constitution when they resisted the claim of the king to manufacture grievances, and insisted on safeguarding the subject from its exercise. They held that they and not the king, especially an extravagant king, were the best judges of what was a grievance and what was not. They evidently held, further, that it was for the king to yield when Parliament challenged him on any question which affected the interests of the nation. Moreover, the question was an economic as well as a constitutional one. The Commons, in their revulsion from monopolist trading companies and an increasing tariff, strove for greater liberty of trade as well as constitutional right. Hence the predominant note of resistance throughout this wordy debate. In spite of the reasonings of a Bacon or a Hobart and the learning with which they supported it, the large majority resolved to insert impositions without consent of Parliament in the petition of grievances which they presented on the 7th of July. It was so bulky that James humorously remarked that "it would serve for a piece of tapestry." In spite of its bulk, he succeeded three days later in tolerably satisfying his petitioners by undertaking not to levy any new impositions without consent of Parliament, and promising his assent to a Bill to this effect to be brought in by the Commons. Whereupon they granted one subsidy and one fifteenth. It was a small return for so great a concession, but the opponents of the spendthrift, domineering king were too suspicious to trust him with too much ready money, or to gift away the power to bring him to book. As a roguish member remarked *sotto voce*, the subsidy would do the king much good, for it would bring him to answer for himself whenever he was wanted (*Subpœna ad melius respondendum*).

On the subject of the Contract, too, they ultimately succeeded in coming to an agreement, and bought up the prerogative in respect of purveyance and respite of homage, as well as of wardships and tenures for a fixed sum of £200,000 per annum, reserving only the mode of levying it for the next session (The Great Contract, July 17-23). Unfortunately, the Bill against impositions, which was read a third time on the

17th July and sent to the Lords, did not get beyond the stage of a first reading in the Upper House.

The bulky petition which had astonished James was swelled by grievances relative to the Church as well as the State. While demanding renewed severities against recusants, on the strength of the assassination of Henry IV. of France, the Commons had not forgotten their Puritan friends, and they asked James, *inter alia*, to allow the ministers deprived for nonconformity to preach, to abolish pluralities, to restrict the abuse of excommunication, and to limit by statute the powers of the High Commission as incompatible with the rights of the subject and the civil courts. They added a protest against the excessive use of royal proclamations which threatened to displace the law, and some of which were oppressive as well as illegal. In reply on the 23rd July, the day on which he prorogued Parliament to the following October, James refused point blank to tolerate preaching ministers who would not subscribe to the whole Prayer Book, though he would discriminate according to their offence in dealing with delinquents. He was more compliant on the subject of pluralities, and would enjoin the bishops to see that pluralists maintained qualified curates. If the bishops neglected their duty, he would take the reform into his own hands. He would give his assent to any Bill to prevent excessive excommunications, and would limit the powers of ecclesiastical commissions, though he would not go the length of restricting their procedure and safeguarding the liberty of the subject from the abuses complained of by specific legislation. He admitted that proclamations had not equal force with the laws, and while emphasising his prerogative in this matter, would make a more sparing use of it in future.

These answers, though conciliatory in tone, fell far short of the expectations of the Commons. Toleration for the Puritans, the statutory abolition of the oppressive powers of the ecclesiastical courts, were as far off as ever. Even in his concessions James took care to emphasise his prerogative, and plainly showed that he would not submit to any parliamentary interference with the exercise of his ecclesiastical supremacy by fresh legislation conceived in a Puritan spirit. The Commons were far from satisfied, and their dissatisfaction speedily

found vent on their reassembling for their fifth session in October.

The Great Contract still lacked the finishing touches, and the Commons, it was soon apparent, were determined to refuse to complete the bargain unless they received full satisfaction in the matter of grievances. They began, as usual, by conferring with the Lords. A fortnight passed and decision was as far off as ever. James thereupon intervened with a peremptory request for an answer—yea, or nay. He would know where he stood, and must at once take some course of his own to raise the needful if the Contract should fall through. Instead of complying, the Commons set to work to propose and discuss guarantees that Parliament should be regularly assembled, even if the king's wants were supplied, that all arbitrary fiscal expedients should be abandoned, &c. To these tactics James replied by insisting on a grant of supply of £500,000, in addition to the sums to be given him by the Contract, and raising this sum from £200,000 to £280,000. He had, in fact, come to the conclusion that he was to be the loser by the bargain and would not take less. This proposal the Commons refused to entertain, and there was an end of the matter. "God," said Salisbury, who ruefully saw the final collapse of his grand financial schemes, "hath not blessed it."

The demand for a supply only intensified the demand for absolute satisfaction in respect of the grievances covered by the Contract as well as those contained in the petition. It was in vain that Salisbury assured them of his majesty's general willingness to consent to Bills dealing with several of these grievances. James must absolutely renounce impositions. He must as absolutely yield in the matter of proclamations contrary to law which, in the interval between the sessions, had been declared by Coke and his three fellow-judges, Fleming, Tanfield, and Altham, to be illegal. He must consent to tolerate Puritans. He must cease to squander the revenue on a host of worthless Scottish favourites. He must submit "to live of his own" by recalling the pensions thus scandalously bestowed. He must respect without reservation the rights and liberties of Parliament. In this outspoken and determined tone the debate stormed onwards from day to day, intensifying the royal anger as it went. James was infuriated

by the blunt criticism, not only of his Government but of his court. He threatened to send Wentworth to the Tower as Elizabeth had done his father. At the entreaty of the Council he thought better of it, and instead dissolved Parliament in his testiest manner on the 9th February 1611.

SOURCES.—Journals of the Lords, ii.; Journals of the Commons, vol. i.; Statutes at Large, vol. iii.; Constitutional History, v.; Cobbett's Parliamentary History, i. For the two sessions of 1610-11 these Histories have been largely superseded by the Notes of a Member of the House of Commons, edited by Gardiner, under the title of Parliamentary Debates in 1610, for the Camden Society (1862); Petyt, Jus Parliamentarium for the Petition of Grievances presented in 1610; Cowell's Interpreter (1607); Prothero, Statutes and Constitutional Documents of the reign of James (1890); Goodman, Bishop of Gloucester and a contemporary, The Court of King James I., edited by Brewer (1839); Camden, Annals of James I., and, Wilson, History of James I., both in Kennet's Compleat History of England, ii. (1719); Court and Times of James I., Original Letters, edited by Birch, i. (1849); Gardiner, History of England, vol. i.; Spedding, Life and Times of Sir Francis Bacon (1878).

CHAPTER IV.

Government by Prerogative and its Failure (1611-1621).

James, unfortunately, had learned little from these seven years of conflict with the Commons. He saw, indeed, that his prerogative, as he understood it, was menaced; he realised that the Commons would no longer be content to be repressed in this matter as Elizabeth had repressed them. But while he understood clearly enough the drift of their demands, he did not learn how to manage a public-spirited assembly. Against the unmistakable tendency to restrict the power of the crown, his only answer was to emphasise it. He might at times profess willingness to rule in accordance with the constitution, to recognise and respect rights and liberties. He even on one occasion admitted the right of the Commons to initiate legislation, to propose measures for the common utility if the king should oversee them. Nevertheless, he would admit no diminution of what he conceived to be his own rights, and his striving was to harp on them, in season and out of season, and to press them as far as he possibly could. In the Commons, on the other hand, the predominant tendency was jealousy of the royal power, determination to press their claims in every contingency in which friction should arise. James' sensitiveness as to his prerogative made him quick enough to discern every whiff of encroachment. What he did not see was that the Commons had entered on a life and death struggle, and that no makeshift arrangement was possible. He must give way all along the line of struggle; the will of Parliament, not his, must be the real factor of legislation and government. In other words, the nation, as incorporated in the Commons more particularly, knows best what is for the public good, and the views of one individual must not be allowed to stand in its way.

The Commons' respect for law, their love of liberty within legal limits, had become a passion, a fixed idea, and in fighting against men whose principles had become a passion, he might as well have fought against the martyrs who had braved the flames or the wild beasts in Reformation or primitive Christian times. He might hector, rebuke what he deemed insubordination, and even threaten to arrest obnoxious outspoken members. With the disappearance of Elizabeth the time for hectoring speeches had passed. He would not get a penny of supply though he flouted ever so arrogantly, and if he could not get supply, the deep-seated determination of the Commons was bound ultimately, in view of his inveterate impecuniosity, to press him from the vantage ground of prerogative down to the level of the constitutional king.

Within four years, this question of supply had again reached the desperate stage. Expenditure had gone on exceeding the revenue at an alarming rate, in spite of extraordinary expedients such as the creation of a large number of baronetcies at £1,000 apiece, the sale of crown lands, loans, &c. In 1614 the debt had swelled again to nearly £700,000, and with a deficit of nearly £200,000 in addition, it was clearly hopeless to attempt longer to ignore Parliament. To resuscitate Parliament was, however, a very questionable experiment. From the standpoint of efficiency, James' government for the last four years had by no means been a satisfactory one. He had, in fact, succeeded in alienating the nation from his autocratic system by the incapacity to rule for the commonweal, of which each successive year yielded increasing testimony. A monarch who posed so grandiloquently as ruler by divine right, and prided himself on his sagacity, should at least have taken some pains to select men of ability and character as his ministers. He believed no doubt that James Stuart was an all-sufficient mortal. He prided himself on his omniscience in all subjects, from theology to tobacco, from high mysteries of State to demonology. In spite of this omniscience he was in the practical work of government, as in the art of poetry, but "a 'prentice hand." The older he grew the more dependent he became on the shallow, showy courtiers who caught his fancy and whom he mistook for wise men. Of these the most shining example at this period was Robert

Carr, whom he made Viscount Rochester and Earl of Somerset. In the elevation of Carr to rank and political influence his imprudence and the immorality of his court alike received shocking illustration. The fact that he patronised and petted the hero of the miserable intrigue which led to the divorce of the Countess of Essex from her husband, is a lamentable index of his inability to judge character or rule the country in virtue of mere divine right. He earned his share of the odium of this divorce, which rid the countess of an inconvenient husband and paved the way for an infamous marriage, by intermeddling as a partisan in favour of a profligate woman and an unprincipled adventurer.

In patronising adventurers like Somerset he was reducing government in England to the level of the gamester. That he should accept the services of new men was in itself no crime, even if they were Scotsmen. The touchy and ill-mannered patriotism of England in this respect deserved to be snubbed. Englishmen forgot that their forefathers had been quite willing to lavish English treasure to reduce Scotland to the level of an English province and turn it into a hunting-ground for English adventurers. They forgot, too, that the elevation of new-comers to position and power in the State was no new feature of English history. The Tudor ministers were for the most part men who owed their fortune to their brains, not to their birth. But, in adopting this policy, James blundered most woefully in his choice of counsellors after the death of Salisbury, himself comparatively a new-comer. Salisbury was a man of ability, though no statesman of the first rank. He was an Englishman, and James now reposed his confidence more and more in men who had not only little or no ability, but some of whom were Scotsmen. Scotsmen of the type of a Carr were not fitted by character or talent to do honour to their country, and their advancement, despite an English title, could only lacerate the disgust which their nationality alone was fitted to excite. The art of government under such auspices was the art of gambling. Corruption was the only passport to promotion.

The discontent with which the country had witnessed the dissolution of Parliament in 1611 had thus had ample material to feed on during the next four years. Bacon, who became

Attorney-General in 1613, was entirely wrong when he tried to persuade James that the quarrel of 1610 was forgotten by 1614, and that even the leaders of the opposition had come to see their folly. "The old grievances cannot but wax dead and flat," he wrote to the king in 1614. "The opposition cannot but find more and more the vanity of that popular course." The sequel was strikingly to falsify this sanguine prognostication of a submissive Parliament, and Sir Henry Nevill was certainly the truer prophet when he warned James that the nation was as determined as ever to secure necessary reforms, and exhorted him to strive to gain the confidence of the Commons instead of estranging them by irritating speeches.

The fact of this estrangement received marked expression even during the elections. Suspicion had spread a rumour that the Government was seeking in clandestine fashion to influence the votes of electors through its "undertakers" or agents. The report seems to have exaggerated these electioneering intrigues, but it was sufficient to dash the chance of many Government candidates, and to rouse hostility even to the interference of the local magnates who favoured the court party. A very large majority of the constituencies returned members pledged to support the opposition. Leaders like Whitelocke, Wentworth, Sandys, Hakewill, Fuller, were sent back to Westminster with acclamation to champion once more the rights of Parliament and subject. Among the crowd of new members were Eliot and Sir Thomas Wentworth, one of the representatives of Yorkshire. On the other hand, some of the old champions of prerogative failed to hold their seats.

In spite of James' opening exhortation on the 5th April to eschew the spirit of bargaining, the Commons, it presently appeared, had not forgotten impositions, ecclesiastical abuses, &c. When, on the 11th, Winwood, who had succeeded to Salisbury's place as Secretary, ventured to move a supply, there was not a syllable about impositions or ecclesiastical abuses in the list of petty concessions which the king was ready to grant. On the following day the House showed an ominous proclivity to supply these deficiencies. Middleton, one of the borough members, presented a Bill against impositions. Wentworth moved for a committee to consider religion. Weston and Whitelocke were jealous for freedom of elections,

and inquired about the undertakers. Against these assertive members, Secretary, Attorney-General, and Chancellor of the Exchequer (Sir Julius Caesar) argued to no purpose. In the matter of grievances the new House of Commons was as insistent as the old. On the 14th, on the motion of Sandys, it directed the petition of grievances of 1610 to be laid before the Committee of Petitions. From this quarry it proceeded to draw the material of debate day after day, during which Whitelocke, Hakewill, Fuller, Sandys repeated the old arguments against impositions for the benefit of the new members. It resolved finally to ask the Lords for a conference on the subject. Thereupon followed, on the 21st May, a lengthy discussion on the points which their spokesmen were to bring forward in the Upper House against the royal claim to impose. Remind the Lords, urged Owen rather irrelevantly, that not a single king in Europe hath the right to impose without the consent of the Estates, let alone the King of England. All kings owe their power originally to election, and if they tax their subjects without their consent, it is contrary to the law of all nations. He was contradicted by Winwood and Wotton, who hazarded the doctrine that while an elective king could not impose, a hereditary king might, and instanced the right of taxation exercised by the kings of France and Spain. Owen insisted none the less on the doctrine of the Contract, and replied that a right *de facto* was not a right *de jure;* in other words, that usurpation does not constitute right. Let us, interposed Digges, be content to appeal to the law. *Nolumus mutare leges Angliæ.* This appeal to the doctrine of the Contract as well as to the law in an English Parliament is significant. It shows that some of these Commoners had been reading Hooker as well as Bracton, and that they were inclined to argue the question of right on grounds of theory as well as law. Sir Edward Sandys, who followed Digges, was, in truth, more explicit on this point than Owen. To follow the example of the kings of France and Spain, urged he, will land us in pure tyranny. Every king, even a hereditary one, owes his throne to the common consent expressed in the original compact between king and people, and every potentate who professes a claim, not based on contract, may be expelled from the throne. Wentworth, who followed,

was still more defiant of kings who override the rights of peoples by their arbitrary courses in such matters. "Sir Edward Sandys," wrote Chamberlain to Carleton, "went further, and was more bitter in the conclusion of his speech. But the boldest Bayard of all was Wentworth (the Member for Oxford city), who said that the just reward of the Spaniards' imposition was the loss of the Low Countries, and for France that their late most exalting kings died like calves on the butcher's knife, that such princes might read their destiny in the 45th of Ezekiel, verse 7, or thereabouts, but especially in Daniel the 11th chapter, verse 20."

The Lords, however, did not give the representatives of the Commons the privilege of urging such democratic arguments in their presence. They refused by a majority to confer. The Commons were deeply chagrined by this rebuff, and their anger was aggravated by the insolent language in which Neile, the Bishop of Lincoln, denounced their presumption in attacking the prerogative. They were, he contemptuously declared, "a factious, mutinous, seditious assembly." Neile was sufficiently obnoxious as a court sycophant, who pandered to Somerset, and was ready to sell his soul for preferment. His insolence stung the Commons to the quick. They loudly demanded satisfaction, and declared that they would do no business till the insult had been wiped out. One hot-headed member demanded his banishment. Another would be content with nothing less than his head. A third would confiscate the revenues of his see for seven years in lieu of supply. Their clamour exasperated the king, who saw the hope of a grant rapidly slipping away, but it forced the Lords to bring the offender formally to protest that he had not meant to speak ill of the members of the Lower House. Still the Commons would not be mollified, and in spite of urgent royal messages to get to the business of supply, they spent several days in raking up a number of aspersions against the luckless bishop's character. "You see what a tempest we are in," wrote Chamberlain to Carleton, "which God knows how or when it will be calmed." At length, on the 3rd June, James fulminated his ultimatum. Unless they would forthwith address themselves to the question of supply, he would dissolve Parliament. While this ultimatum sobered the more

moderate of the angry orators, it only excited the hastier spirits to greater defiance. Christopher Nevill fell foul of the breed of court favourites, whom he described as "spaniels to the king and wolves to the people." Hoskyns, Member for Hereford city, reminded his hearers of Canute, who made a clean sweep of his Danish favourites, and hinted that there might be a repetition of the Sicilian Vespers in store for the Scottish parasites of the English nation. "There was never known a more disorderly House," notes the unsympathetic Chamberlain. "It was many times more like a cockpit than a grave council."

James could stand it no longer. On the 7th June he declared Parliament dissolved, and gave rein to his anger by sending Wentworth, Hoskyns, Christopher Nevill to the Tower, and threatening Owen and Sandys with the same fate. "Whereby this meeting or assembly," continues Chamberlain, "is to be held a blank Parliament, or rather a parley." It got in fact the name of the "addle" or barren Parliament. Its two months' debates contributed not a single Act to the statute book. Its constitutional importance is not, however, to be measured by the statute book, but by the Commons' Journal. From the scrappy notes of the debates which the official scribe has left, it is evident that the fighting spirit of the Commons had only increased in the interval between 1610 and 1614. Sir Henry Nevill had proved a truer interpreter of the public temper than Sir Francis Bacon. They not only continued to confront prerogative with law; they went, tentatively at least, the length of limiting it by reason and natural right. The self-consciousness of the Commons was evidently growing in the ratio of the self-consciousness of the king. The Lords might still show themselves amenable to the influence of a court and refuse to anger the king in order to humour the Commons. Yet even thirty out of the seventy-one peers present voted for a conference on the subject of impositions, and the Lords might one day be found co-operating with the Lower House in resistance to Stuart despotism, if James went much further on the road to that despotism by the arbitrary imprisonment of men who denounced his policy, or defied his imperious will in their capacity as legislators.

James was presently to be convinced by hard facts in which direction the sympathy of the people lay. A regular supply being frustrated by the resolute reforming spirit of the Commons, he determined to appeal to the generosity of the nation. The courtiers might hasten to the rescue with their contributions. The Archbishop of Canterbury might give a costly basin and a ewer and redeem them for £140. The bishops might be proportionally generous. Ministers, court functionaries, judges, great noblemen, men in place or ambitious of place, the crowd of lesser aspirants for favour, ever ready to buy distinction by a show of patriotism or charity, might vie with one another in their gifts. The appeal to the counties to emulate this noble example of loyalty and patriotism fell, nevertheless, on deaf ears for the most part. Renewed appeals, even though barely disguised commands, brought only a sporadic response. Some of the counties refused outright, and appealed to the law against benevolences. Others allowed themselves to be brow-beaten by threatening letters from the Council, and sent up contributions which, in some cases, swelled to three figures, in others did not extend beyond two. To distinguish between gifts thus reluctantly given and benevolences, as Bacon and even Coke attempted to do, was merely to play with words, and the miserable pittance which the whole of England contributed from July 1614 to March 1617 shows what value the country attributed to the distinction. The total of nearly three years' squeezing was only £66,000. The language of the Council was pure cant, but outspoken individuals like Oliver St John, who denounced this cant and accused the king of perjury, were taught by heavy fine and imprisonment the danger of speaking too freely of royal or Privy Council hypocrisy.

James' striving to set himself above the law had brought him into antagonism not only with the Parliament, but with the judges, and more particularly with Chief Justice Coke. Coke had already signalised his inflexibility as a judge and his supreme reverence for the law by his opposition to the oppressive procedure of the ecclesiastical judges of the High Commission. He had withstood Bancroft, who died in 1611, and Abbot, his successor, in maintaining that the

High Commission could only fine and imprison in cases of schism and heresy. In cases which touched civil rights its jurisdiction ceased. Both Bancroft and Abbot appealed to the king, and it was on the occasion of the debate on this crucial point in the king's presence, on the 13th November 1608, that Coke uttered the famous vindication of the law against the royal prerogative which he afterwards wrote down in one of his Reports, and which, though not perhaps correct in detail, substantially conveys to us the characteristic and widely divergent contentions of the champion of law and the champion of prerogative. During the debate Bancroft claimed that the king might take any cause he pleased out of the hands of the judges and decide it himself. This right accrued to him in virtue of the royal authority which he derived from God. The king, retorted Coke, cannot adjudicate in any criminal or civil cause. According to the law and custom of England this can only be done in a court of justice. The law, interposed the king, is founded on reason, and he and others have reason as well as the judges. God, returned Coke, has endowed his majesty with excellent knowledge and great endowments of nature, but his majesty is not learned in the laws of England, and causes concerning the lives or goods of his subjects are decided not by natural reason, but by artificial reason and the dictates of the law. The art of interpreting the law requires long study and experience. The law is the golden metewand to measure and try all causes and to protect his majesty in safety and peace. Greatly angered by these bold words, James retorted that he was above the law and that it was treason to affirm that he was not. To this Coke replied by quoting Bracton, "That the king ought not to be under man, but under God and the law."

Coke was equally resolute in resisting the attempt of James to influence the judges to give verdicts in his favour, as in the trial of a man with a grievance like Peacham the Puritan Vicar of Hinton St George, in Somerset, who took to railing at large against the Government, and bade the king beware of the judgment of God. He refused to see treason in an atrabilious sermon which Peacham had written, but not delivered, and on which the Attorney-General strove to base

the capital charge. Bacon hit on the device of advising the king to consult his three fellow-judges of the King's Bench separately. Coke protested against such tactics as subversive of the dignity and integrity of the bench; his colleagues were less conscientious, and allowed the crown lawyers to wheedle out of them, in this clandestine fashion, the opinion that Peacham had intended to preach treason and might be brought to trial as a traitor. Tried he accordingly was, and, after having been put to the torture, sentenced to be hanged.

Coke's opposition to James' overweening sense of his prerogative and the illegal tactics into which it seduced him was stiffened by his antagonism to Bacon. Between the Attorney-General and the Chief Justice there was a wide gulf both in political principle and in character. Bacon possessed by far the larger intelligence of the two, for his mind was of that universal range which impelled it to conquer the whole field of knowledge and of that independent caste which revolted against the traditional in science and philosophy. He was, however, a great believer in traditional authority in the State, and had not advanced beyond the Elizabethan conception of government. He had more faith in the authority of the king than in the striving of the Commons to be the directive force in the State, especially if the king would be guided by men of genius like himself. He was, moreover, biassed by his desire to ingratiate himself into the royal favour, and thus secure the personal advancement for which he had waited all too long. By political predilection and personal motives he was, therefore, disposed to champion the prerogative against both Parliament and judges.

If the Attorney-General was a man of genius, the Chief Justice was a man of character. He would not waive his convictions to please even a king, not to mention an Attorney-General. He believed in the supremacy of the law and the independence of the judges with all the intensity of a passion. His unrivalled knowledge of law and precedent, his profound veneration for that vast body of legal rules bequeathed by the centuries, a firmness in maintaining its supremacy which bordered on obstinacy, a blunt and choleric integrity which made it impossible for him to play the courtier, a consuming sense of the dignity of his position as chief administrator of

the law of the land—all tended to beget in him a stern spirit of resistance to the predominant worship of prerogative in court circles. Prynne justly called him "the eminent pillar and patron," Wilson, "a storehouse and magazine of the common law." Whitelocke in the "Liber Famelicus" described him as "the most just, honest, and uncorruptible judge that ever sate on bench."

If Bacon had prerogative, Coke had law on the brain. Both king and Parliament must give way before the dictum of the law, as delivered by its exponent in chief. This assumption might of course lead to the tyranny of a few men on the bench, might be a bar to constitutional progress as well as to royal absolutism. Coke was too narrow a legist to perceive that the law, especially constitutional law, being what it was—vague at times and unsystematic in general—it was rather a large assumption to give the last word to the judges in every contentious question between king and nation. All the same it was better at this conjuncture to have even a narrow enthusiast at the head of the English bench to oppose his inflexible will to the arbitrary tactics and high doctrines of James and his all too compliant Attorney-General, who was about to become Privy Councillor and Lord Chancellor of England. "Coke," says Mr Gardiner most aptly, "was fortunate in the epoch in which he lived. Two hundred years later his name would have gone down to posterity, with Eildon's, as that of a bigoted adversary of all reform." His self-assertion, from the standpoint of his epoch, has, however, more merits than defects, even if the Chief Justice might go too far in constituting himself the absolute arbiter of the constitution. In contrast to James, he did so at all events in no absolutist spirit. It was his defence of the law and his desire that the law should be supreme that in the main dictated his attitude. His personal dislike of Bacon—and the mutual friction of these two men doubtless influenced the views and attitude of both—only steeled his jealousy as the keeper of a trust which he regarded, with exaggeration no doubt, as the only perfect legal system on earth.

To topple this doughty champion of the law from his high pedestal and reduce the judges to a proper level of subordination was now the policy of James and Bacon, and pre-

texts for putting it in operation were at such a time not lacking. James' high notions which aroused the spirit of resistance in Parliament must sooner or later challenge a conflict with the law courts. There is no avoiding the conclusion that, in spite of his profession of respect for the law, he was determined to be indisputable master in all matters to which he considered his prerogative extended. He would brook no limitation even from the judges in the name of law. They must be taught to fear to tread on this forbidden ground. Coke, at all events, was not the man to shrink from treading even on this forbidden ground in the exercise of what he considered his own prerogative. He insisted, in reference to a case in which friction had arisen between the Court of Chancery and the Common Law Courts, that the judges of the latter had the right to hear and decide all suits brought before them, in spite of any claim of the Chancellor in Chancery to limit their procedure. He contended, moreover, by a forced interpretation of an old statute, in reference to another case, that the Court of Chancery could not deal with a suit which had been decided by the Common Law Courts, and that its officials were liable to prosecution for so doing.

In this quarrel about jurisdiction between the Chancellor and the Chief Justice the prerogative was, however, not seriously menaced. More serious, from the point of view of its champions, was the case in which the king's right to grant a living *in commendam* to Bishop Neile was contested before the twelve judges. James interfered to warn Coke and his colleagues not to give judgment before consulting him. Coke and his colleagues continued, nevertheless, to argue the case, and asserted, in reply to a further inhibition, that they were bound to decide in accordance with the law, not with the wishes of the king. James disclaimed any desire to influence their decision, but was he not a party to the case, and should he not have a personal hearing? There was some force in the question, and Coke and his fellow-judges, on being taken to task, in the royal presence, for their precipitation, fell on their knees and begged the royal pardon. The king might, and did, argue that in this particular matter he was in the right and the judges were in the wrong. The case in itself has more a personal than a political interest.

Its importance lies in the fact that it was made the pretext for demanding an admission on the part of the judges that in all cases, in which the king chose to interfere on the plea of prerogative, they were bound to admit the claim, and stay proceedings accordingly. To this far-reaching ultimatum eleven of them submitted. Coke alone refused to compromise his independence, and open the way for the systematic interference of the king in the administration of justice, to which this admission might easily lead. "When that case should be," replied he, "he would do that which should be fit for a judge to do." The answer may appear evasive: it was, at least, prudent. It was certainly not safe to give an unreserved undertaking to a king, who was prerogative mad, that he would never oppose its assertion. His colleagues undertook not to permit the royal prerogative to be questioned in their presence.

A fortnight later (20th June 1616) James expounded *ex cathedra* in the Star Chamber, for the benefit of the judges and mankind at large, *apropos* of the question of disputed jurisdiction, his doctrine of kingship. It was that which he had put in print in the "Trew Lawe of Free Monarchy" and the "Basilikon Doron." He was king by divine ordinance, and this plea was, for him, sufficient to silence all attempts to question his supreme will. The judges in particular must do his bidding. "Encroach not," he commanded, "on the prerogative of the crown. If there fall out a question which concerns my prerogative or mystery of State, deal not with it till you consult with the king, or his Council, or both. . . . Blunt the sharp edge and vain popular humour of some lawyers at the bar that think they are not eloquent or bold-spirited enough except they meddle with the king's prerogative. . . . That which concerns the mystery of the king's power is not lawful to be disputed, for that is to wade into the weakness of princes, and to take away the mystical reverence that belongs unto them that sit on the throne of God. . . . As for the absolute prerogative of the crown, that is no subject for the tongue of a lawyer, nor is it lawful to be disputed. It is atheism and blasphemy to dispute what God can do: good Christians content themselves with His revealed will in His Word. So it is presumption and high contempt

in a subject to dispute what a king can do, or say that a king cannot do this or that; but rest in that which is the king's will revealed in his law."

Some historians are disposed to see in this overweening language merely the assertion of the supremacy of the State, and to account for it by saying, as Mr Gardiner does, that "in every constitution there must be some fundamental power, the authority of which is received as binding without dispute." But the personal tone of the orator betrays the fact that he regarded himself as constituting the State by divine fiat. We know what this assumption led to in the case of a Louis XIV., and it is evident from his own words that the striving of James was to anticipate a Louis XIV. in silencing all opposition to his kingly will on the part of the subject. The resistance that he had encountered from both Parliament and bench had not taught him prudence, compromise. It had only made him more pugnacious, assertive, self-conscious. His egotism had only become more pronounced with the irritation of opposition. Such high-flown deliverances could not but grate on the awakened sense of right and the growing aspiration after liberty to which Parliament had given unmistakable expression. Coke might be wrong on the question of jurisdiction: he only interpreted the growing feeling of the nation when he strove to set a barrier to the personal absolutism which revels in this arrogant speech. In that atmosphere of sycophancy which James now breathed with such satisfaction, there was no room for a Coke. He was suspended (30th June), directed to revise his Reports in keeping with this absolutist doctrine, and, on his failure to give satisfaction in this respect, finally (15th November) deprived of his office. With his dismissal James might congratulate himself that, for a season at least, he had both law and liberty at his feet. He was master of a subservient bench, lord of a sycophant court. If he could only have reckoned on a sufficient revenue in addition, and thus have steered clear of a public-spirited Parliament, he might have complacently continued to "sit on the throne of God" for the rest of his reign.

He was, however, not destined to sit for long at ease even on his own throne. Personal absolutism could only succeed in

a strong ruler, even if the strong ruler could have weathered the reaction from Tudor despotism, and every year only demonstrated the increasing weakness and scandal of James' government. Somerset was tried and condemned to death as a murderer, along with his infamous wife, and the disgrace of the unprincipled favourite reflected on the master who had raised him to such unmerited greatness. Somerset's place was taken by George Villiers, who shot like a meteor into favour and honour as Earl and Duke of Buckingham and Lord High Admiral of England. Bacon, while assiduously cultivating the new favourite in his characteristic fashion, gave him much good advice to use his power for the commonweal. His advice was wasted. Villiers' head was turned by the good fortune that hoisted him at a bound into almost absolute sway over his admiring patron. He had not force of character or sufficiency of ability to use his position for high ends. He was the vain, showy, shallow satellite of the vain and all-sufficient monarch, and as the keeper of the royal favour he attracted and ruled the host of time-servers which swarmed at court. The influence of such a man only swelled the flowing tide of corruption, peculation, sycophancy, and James let the tide flow as it would. "If I were to imitate the conduct of your republic," he remarked to the Venetian ambassador, "and began to punish those who take bribes, I should soon not have a single subject left." He did indeed dismiss Suffolk from the office of Lord Treasurer, and punish him by fine and imprisonment for corruption. If he had been consistent he would have sent nearly every official in his service to jail. Almost every man in office had his price, and bribery was the open secret of public life. Office was sold to the highest bidder. There was a regular tariff for peerages as for baronetcies. Any schemer without a true sense of honour could buy this so-called "honour" for £10,000. "The times allow anything to be done for money," wrote Sherburn to Carleton. Sometimes the rich aspirant for honour or office had to take in addition, as a wife, one of Buckingham's poor relations. Patents and monopolies, against which Parliament had revolted at the close of Elizabeth's reign, had again become a widespread abuse and a lucrative source of income to these unscrupulous fortune-seekers in

high places. The patents or licenses for inns and alehouses were, if properly regulated, a necessary guarantee of public order and morality against the vice rampant in many of these public haunts. In reality the patent for granting licenses to inns, conferred on a commission, of which Sir Giles Mompesson, one of Buckingham's relatives, was the chief member, merely served to enrich a worthless swindler instead of helping to fill the Exchequer. Another of Buckingham's relatives, his own brother, Christopher Villiers, was the chief gainer by the patent for alehouses. The same malpractices vitiated the policy of granting monopolies, to which James, with the object of encouraging commerce and invention as well as filling the Exchequer, had recourse, in spite of the anti-monopolist feeling of the beginning of his reign. Something might be said for the policy in itself; the fact that it was one more expedient for bringing grist to the mill of greedy courtiers was sufficient to render it as unpopular in 1620 as it had been twenty years before.

It would have been nothing short of a miracle if such a corrupt and incompetent Government as that of James had now become, should pursue a wise or masterly course in external affairs. It is not surprising, therefore, that, under Buckingham's auspices, the friction between king and nation, on the score of internal government, was intensified by angry contention on the score of his foreign policy.

Under Salisbury's auspices his policy had been decidedly anti-Spanish, Protestant, and was thus in harmony with the national spirit. He would fain, at his accession, have essayed the task of assuaging the bellicose religious spirit which dominated international politics, and professed himself an advocate of Christian unity on terms of mutual restraint and conciliation. But the current of inherited international antagonisms on religious grounds was too strong for the realisation of his irenic theories, and for a decade after his accession he co-operated with the anti-Spanish or Protestant powers on the Continent. In 1616, however, on the failure of his scheme of marrying the Prince of Wales to a French princess, he veered towards the idea of an approximation to the Spanish court by marrying his son to the Infanta Maria, and thus exercising a decisive pacific influence on the European

situation. He engaged in the negotiation in good faith, and imagined that Philip of Spain was treating him seriously. He believed in his own political wisdom in foreign as in domestic policy. He imagined that with the magic wand of this Spanish marriage he could conjure the evil genius of dynastic ambitions and religious reaction that were threatening the peace of Europe, and more particularly of Germany, into submission to his will. His policy of keeping in check the eruptive passions of Catholic and Protestant in Germany, of preserving a balance in the interest of toleration and peace by his diplomatic skill, would have been an enlightened one, if it had been practicable. Unfortunately it was not practicable. James was not the man for such a rôle, and in the circumstances of Europe the rôle would have been too much for a far abler statesman. With his fatuous belief in his own cleverness and in the feasibility of his irenic policy, he allowed his wily antagonist to amuse him with the project of this Anglo-Spanish marriage alliance. Philip had suggested it as a counterpoise to the Anglo-French scheme, and after its failure he contrived to dangle it as a bait to the credulous and opinionated James in order to keep him from actively espousing the Protestant side in the conflict between Catholic and Protestant that was brewing in Germany. Thus it came to pass that the all-wise monarch of England looked sanguinely on, whilst his son-in-law, the Elector of the Palatinate, who had accepted the crown of Bohemia, was not only being worsted in his new kingdom. but driven out of his hereditary dominions by an imperial Spanish army. The outbreak of what was to develop into a life and death struggle between Catholic and Protestant in Germany thus found England practically isolated and impotent, in spite of the passionate partisanship of the English people. The grand marriage scheme was merely meant as a soporific for the English monarch, while the Habsburg-Spanish power was engaged in subverting all that the Protestant spirit of England had struggled to preserve since the Armada.

The marriage scheme was naturally in itself unpopular in England. To match the future King of England with a Spanish princess was distasteful alike to the narrow religious convictions and the intense national antagonism of the day, as

embodied in men like Raleigh, whose execution in 1618 was regarded as that of a martyr to the cause for which Drake had fought. To sacrifice the Protestantism of Europe as well as endanger that of England for such a mad project seemed intolerable. Moreover, its conditions were all along too preposterous for any English Protestant, who was not blinded by a self-assumed sagacity, to entertain. That James should repeal by Act of Parliament all laws against Catholics was a proposal that neither Parliament nor people would admit for all the gold of the Spanish Indies. And it was in the effort to come to an agreement on such propositions that James was sacrificing the interests of his son-in-law as well as the German Protestants, and chafing the temper of his subjects to fury. To him might belong by prerogative the exclusive direction of foreign policy as part of the *Arcana Imperii*, with which no subject within or without Parliament might meddle. The nation had only too good reason to conclude that he could not be safely trusted with the exercise of even this part of the prerogative, and under the influence of this widespread conviction, the Commons would certainly give expression to its distrust on the very first opportunity.

During the fateful twelvemonth (1619-20) which witnessed the election of James' son-in-law to the Bohemian crown, in place of the deposed Ferdinand of Austria, and his expulsion of the forces of his Catholic antagonist, the temper of the English people became very bellicose. Even Buckingham in a fit of enthusiasm, which indeed did not last long, joined the war party, and Prince Charles was ardent in his sister's cause. There was, however, ample justification for James' hesitation to plunge into a war in support of an enterprise, of which he disapproved from the beginning, and which was in reality merely a desperate gamble on the part of his son-in-law. Many of the German Protestant princes themselves were against his acceptance of the Bohemian offer, and James was the last man to sympathise with rebellion against constituted authority, even with the palliation of religious persecution and unconstitutional procedure on the part of the deposed Ferdinand to recommend it. But it was one thing to refrain from spending English blood and treasure in support of the Elector's rash ambition, another to entangle himself in the

meshes of Spanish diplomacy for the sake of a will-o'-the-wisp project. The astute Gondomar, the Spanish ambassador, skilfully played the card of mediation under James' auspices in alliance with Spain, and lulled him into the fancy that by cultivating that alliance he was really making himself master of the situation. Whenever James gave way to the suspicion that he was on the wrong track, and gave permission to raise volunteers and contributions for the defence of the Palatinate, Gondomar lied with such earnestness as to completely overreach his dupe. Thus the fateful year waxed towards its close, and while James parleyed with the lying diplomatist, and grew more confident in his own wisdom, the bellicose temper of the nation grew ever more poignant. In this matter the nation judged more correctly than its king, though its narrow religious partisanship was sadly lacking in enlightenment, compared with James' tolerant conceptions. It saw in the Bohemian revolutionists the champions, in the Palatinate the bulwark of Protestantism on the Continent, and it realised that the transference of the Palatinate from a Protestant to a Catholic ruler would be a blow to England as well as to Germany and the Netherlands. Before the fateful year was at an end, its worst fears were confirmed. Frederick was not only driven from Bohemia as a fugitive to the Hague; his hereditary dominions were threatened by a Spanish army.

In this *impasse* even the wisest man in Christendom saw nothing for it but to summon Parliament in order to shape his course with its assistance, in accordance with the necessities of the situation. Even yet, however, he was not prepared, as Parliament was to discover, to throw over Gondomar and withstand the evil genius that was tempting him into the whirlpool.

SOURCES.—Lords' Journals, ii.; Commons' Journals, i.; State Papers (Domestic), 1611-18; Constitutional History, v.; Cobbett's Parliamentary History, i.; Coke's Reports, vol. vi., parts xii. and xiii.; Cabala, sive Scrinia Sacra—Mysteries of State and Government; Winwood (one of James' Secretaries of State), Memorials of Affairs of State (1725); Court and Times of James I., edited by Birch (1849); Wilson, Life and Reign of James I., in Kennet's Compleat History, vol. ii.;

Gardiner, History of England from the Accession of James I., vol. ii. (1863), and Prince Charles and the Spanish Marriage (1617-23) (1869), and later editions under the title of History of England; Spedding, Bacon's Letters and Life, and Life and Times of Bacon; Carlyle, Historical Sketches of Notable Persons and Events in the Reigns of James I. and Charles I., edited by A. Carlyle (1898); Lives of Eminent Persons, Library of Useful Knowledge (1833), for sketch of Coke's career. Two very useful short histories of James' reign have appeared since my manuscript was finished in Mr Trevelyan's England under the Stuarts (1904), and Mr Montague's volume in The Political History of England, vol. vii. (1907).

CHAPTER V.

Renewal of the Conflict in the Parliament of 1621.

James met the new Parliament on the 30th January 1621. It was a most formidable assembly to face. In the ranks of the Commons were arrayed the ablest men in England. Some of their names, like those of Coke, "the prime man of all," as Chamberlain notes in his correspondence, Hakewill, Sandys, were already historic. Those of Pym, Digges, Phelips, Sir Thomas Wentworth were soon to become so. It is doubtful whether we are entitled to add the name of Eliot to the roll of its celebrities, though he had been a member of the Parliament of 1614, and was to emerge into prominence in that of 1623.

The royal orator discoursed on this occasion, in much briefer compass than usual, on religion, supply, and the miserable state of Christendom. On the point of religion James would fain have avoided the disagreeable necessity of persecution. He preferred persuasion to compulsion, and would have liked to be able to tolerate if only he were free to do so. In theory his mind occupied a higher plane than that of the average Protestant, and Parliament might have listened with edification to his remarks on this subject had the Catholic reaction not been so threatening on the Continent. As it was, this part of his speech could only appear tame and halting to men whose intolerance that reaction had naturally enough quickened into fever heat. He would, he said, not compel men's consciences, but leave them to the law of the land, which was sufficiently rigorous. As to the Spanish match, they might trust him to do nothing dishonourable; his writings should vouch for his past orthodoxy, for which he had suffered martyrdom and torture "in the mouths of many idle fellows."

In regard to the question of supply, he laid stress on the

fact that he had preserved the country from war for eighteen years, and that for ten years he had not received any parliamentary revenue. And—what was more likely to open the purse of the Commons—he could adduce the fact that he had, thanks to the financial ability of Sir Lionel Cranfield, greatly reduced his personal as well as the public expenditure. He would undertake, in conclusion, that "supply should not fall into a bottomless purse."

In dealing with the international situation he recounted the practical efforts he had made to help his son-in-law, though he had acted rashly in pandering to rebellion under the cloak of religion, and had accepted the Bohemian crown without his consent. He pledged himself, however, to preserve his hereditary dominions for him, if necessary, by armed intervention. "I declare that if by fair means I cannot get it, my crown and honour and all shall be spent, with my son's blood also, but I will get it for him." Let them, therefore, hasten supply. *Bis dat qui cito dat.* He even expressed his willingness to listen to grievances and grant reforms, though he warned them "not to hunt after grievances to the prejudice of your king and yourselves." "Deal with me as I deserve at your hands; I will leave nothing undone that becomes a just king, if you deal with me accordingly."

This was eminently satisfactory at all events, and for once, as the exponent and leader of a national policy, James struck a note of deepest sympathy in the hearts of the Commons. This was unquestionably the best speech he ever made. It shows that in his better moments he had after all some claim to be regarded as a statesman. It is, nevertheless, questionable whether he spoke in all sincerity of heart. The Spanish ambassador, at all events, was able to report some days later to his master that he had privately explained away his speech to his satisfaction, and that he could still reckon on him as his true friend.

The Commons showed their appreciation by resolving on the 16th February to grant two subsidies, *i.e.*, *circa* £160,000, as a testimony of their goodwill. This sum might fall far short of that required to render effective the policy of armed intervention to which James had pledged himself, in case of the failure of diplomatic arguments. But the keenly partisan

spirit of the Commons might be trusted, if the king came to blows with Philip, to supply the deficiency.

This spell of fair weather was of short duration. The Commons, even with the utmost goodwill, soon discovered that they could not in their reforming zeal avoid ruffling the susceptibilities of the king. They petitioned the Lords for a conference anent recusants, and indulged, during a debate, in some wild denunciations of plotting Papists which must have been very unpalatable to the ardent votary of the Spanish marriage scheme.

In his reply on the 17th to the petition on this subject, which both Houses joined in presenting, James strove to put a bridle on this headlong zeal. He would not go beyond the general assurances of his speech. There were laws enough against recusants, and he was personally averse to the coercion of conscience. Moreover, if he treated the English Catholics with increased severity, how could he intervene on behalf of persecuted Protestants in Catholic countries? He would, however, enforce the laws. Therewith the Commons had to be content, and though James had the best of the argument from the theoretic standpoint, he did not succeed in convincing them that moderation was both more Christian and more politic than excessive zeal. Rumour had it, in fact, that the Commons were inclined to regret the haste with which they had resolved to grant supply.

Whilst thus eager to persecute Papists, the Commons were very zealous for liberty of speech for themselves. The members had evidently not forgotten the arrest of the outspoken opponents of arbitrary government at the close of last Parliament, and were anxious to forestall similar attempts to punish free speech in debate. Hence the appointment of a committee which, after lengthy debate, presented a Bill on the 15th February to insure immunity from arrest for words uttered in their capacity as legislators. The debate touched James in a vulnerable point, and he intervened with a message, through Secretary Calvert, expressing surprise that they should waste so much time on this matter. He had given his word at the beginning of the session and meant what he said. The Commons dropped the Bill in deference to this assurance. They were certainly more credulous than their predecessors

of 1614 would have been, and before another year was out some of them were to experience to their cost what the pledged word of James meant when his temper was roused by opposition. Still, it would have been ungracious to disturb the harmony of this honeymoon between king and Parliament by questioning his majesty's sincerity by further debate.

More ominous of friction was the demand for the consideration of grievances. James had professed his readiness to acquiesce in any reasonable reforms and the Commons accordingly lost no time in signalling out monopolies for attack. But in attacking a system from which not only the monopolists, but their patrons in high places, profited at the expense of the commonweal, they were treading on delicate ground. Not only those who granted, but some of those who held these monopolies were royal officials, and to inquire into the doings of royal officials looked like setting up an inquisition into the king's administration. The claim on the part of Parliament to call the royal ministers to account was no new one, but it had long been out of date, and James was certain to resist it as an encroachment on the prerogative. Despite the danger of making shipwreck on the rock of prerogative, the Commons determined to embark on a cruise against the system and its abettors, both high and low. As usual, the impulse came from the lawyers, and the greatest lawyer of the day, the inapproachable Coke, who sat for Leskard, was there to lead the charge of the lawmen. The merchants, who were aggrieved by the privileges and restrictions which hampered their trade, were equally keen for the fray. One of the keenest of this class was Sir Lionel Cranfield, who, though he had arisen by his financial ability to high place, hated the monopolists as thoroughly on commercial, as Coke did on legal grounds. There is, in fact, distinctly traceable in these debates a strong feeling in favour of internal free trade for the common benefit, and here once more economic principles made for the vindication of great constitutional principles.

With such leaders in a cause which affected so many interests, the Commons set bravely to work. Day by day added overwhelming evidence against the system of privilege and corruption as member after member rose to give

the results of his experience or observation. Coke began the general outcry by denouncing it as indefensible either in law or execution. "Monopolies," he concluded, "are now grown like Hydra's heads; they grow up as fast as they are cut off." No wonder that his speech evoked from an admiring member the exclamation, "This is the first Parliament that ever I saw councillors of State have such care of the State." This same member fell foul of the patent for inns, which merely served as the nurse of oppression, immorality, and corruption. In the hands of corrupt courtiers like Sir Giles Mompesson, it only tended to aggravate the evil it was meant to cure. Instead of lessening the number of inns, such corrupt speculators filled their purses by selling licenses by the score and thus frustrating the efforts of honest justices of the peace to safeguard public order and morality. Innkeepers who would not connive at their nefarious tactics and pay the extortions of their agents were subjected to fines on frivolous pretexts. Others enlarged on the iniquities of the patent alehouse keepers and their patrons. Others inveighed against the monopolies for making gold and silver thread, as injurious to the produce of bullion and responsible in part for the scarcity of money. Others denounced the patent for concealment of lands by which said corrupt officials cheated the king and vexed the subject, who had obtained possession of crown land, by extorting fines.

These revelations worked the House into a fever-heat of reform. It sent Sir Francis Michell, one of the worst of these guilty officials, straightway to the Tower. It directed a volley of searching questions on Sir Giles Mompesson, one of its own members, as to his conduct as a Commissioner in connection with the patent for inns and concealment of lands. Mompesson was terrified by the accumulating array of damning facts with which he was confronted, into a confession of his guilt, and only saved himself from arrest by flight across the Channel. It ultimately adopted Coke's and Cranfield's suggestion to go further, and inquire into the conduct of those responsible for the grant of these obnoxious patents and monopolies. In other words, it resolved to bring to reckoning, not only the officials and their agents and accomplices who had participated in this nefarious traffic at

the expense of the subject, but those by whose authority the patents had been granted. These latter, to whom the question of granting or refusing these patents was referred, were known as referees, and among them were Bacon, the Lord Chancellor, and Montague, now Lord Mandeville, the Lord Treasurer. Let the matter be probed to the bottom, cried the angry Commons. To this end, they had recourse to the usual device in grave emergencies. They requested a conference with the Lords for the purpose, not only of laying the evidence against Mompesson and other delinquents before them, but of instituting a joint investigation into the doings of their patrons in high places.

James was very angry, Buckingham thoroughly frightened, at the turn things were taking. Buckingham had reason to tremble. The name of his brother, Sir Edward Villiers, was mixed up with these shady transactions, and Yelverton, ex-Attorney-General, and now a prisoner in the Tower, admitted in examination by a committee of the Commons that he, along with Bacon and Mandeville, had granted the monopoly for gold and silver thread for fear of offending the favourite and his brother. Buckingham felt the ground shaking under him. If both Houses were not checked in their efforts to pry into the secrets of administration, ministers might discover that the doctrine of the responsibility of the king's advisers to Parliament and the practice of impeachment, by no means unknown to the English constitution, might be revived at their expense. James determined to interfere, and rate the presumptuous Commons into retreat, in spite of their professions that they had been actuated by zeal for the king's honour as well as the commonweal. He summoned them to the Upper House on the 10th March, and angrily forbade them to meddle with matters of government which concerned him alone. He would plainly stand no parliamentary interference within his province. Unabashed by this outburst, the Commons went back to resume their examination of the doings of the Chancellor, Treasurer, and ex-Attorney-General in preparation for a conference with the Lords to be held that afternoon. At this, James, who had lingered in the Upper House, lost all sense of dignity as well as self-control. He swore at large, and ordered the Lords to tell them to desist, and hurry on

the Subsidy Bill. The Lords declined to interfere, and James was fain to send his orders by the medium of the Attorney-General. The Commons would, however, not desist. They replied that "they would attend to both, and would despatch the Subsidy Bill, even if they sat up till ten o'clock at night."

Before the united determination of Lords and Commons James flinched. The monopoly scandal, trumpeted all over the kingdom by Mompesson's flight, was too gross to be crushed by a salvo of royal rhetoric. There really was no reason why James should swear so volubly in order to protect a set of scoundrels and swindlers, or why Buckingham, to save his own skin, should not play the part of the incorruptible patriot. Buckingham had the good fortune to have at his elbow at this critical juncture an astute prompter in Williams, Dean of Westminster. Williams urged him to join the hue and cry against the corrupt monopoly vendors. "Swim with the tide," exhorted the wily Dean, "and you cannot be drowned. They will seek your favour to help them to settle the public frame as they are contriving it. . . . But if you assist to break up the Parliament, being now in pursuit of justice, only to save some cormorants who have devoured that which must be regorged, you will pluck up a sluice which will overwhelm yourself. The king will find it a great disservice before one year expire. The storm will gather and burst into a greater tempest. . . . Cast all monopolies and patents into the Dead Sea. . . . Damn all by one proclamation." Buckingham eagerly caught at the expedient, and even James cooled down sufficiently to appreciate the sagacity of the shrewd divine, and shape his tactics accordingly. While he thanked the Commons two days later for their zeal in respect of the Subsidy Bill, and assured them that "he would be more ready to help all just grievances than they to desire it," Buckingham rose in the Upper House to profess his devotion to the commonweal and his deep sense of the wisdom of Parliament, and to assure his listeners that if his father had begotten two sons to be a discredit to their name, he had begotten another to help in bringing them to punishment. The Commons, on their part, rather pliantly waived further proceedings against the referees, and contented themselves with carrying on the prosecution of Mompesson, Michell, Yelverton, and

their subordinates in a number of conferences with the Lords, and debating into shape a Bill against monopolies.

The chief delinquents were ultimately found guilty by the Lords, and punished with severe penalties. Mompesson, as a fugitive from justice, fared worst. He was degraded from knighthood *in absentia*, outlawed, sentenced to imprisonment for life, forfeiture of goods, and a fine of £10,000. Michell was also degraded, imprisoned during the king's pleasure, and fined £1,000. Yelverton, in spite of the bold charge of corruption hurled against Buckingham, got off with fine and imprisonment. James even remitted his sentence, and he lived to become a Judge of the Common Pleas in the following reign. Significant enough, the charges against the favourite and his brothers, which Yelverton had refused to recant, were ignored. Buckingham's dramatic declaration that his father had begotten a son to punish his two brothers was mere rhetoric. The favourite escaped by the royal protection and his own audacity.

The Commons had resiled from their determination to strike at higher delinquents in response to James' change of tactics in giving them a free hand in dealing with the lower. Their zeal in the pursuit of corrupt officials was, however, not limited to the subject of monopolies. Coke and his fellow-lawyers had their eye on the administration of justice, and under the influence of the ex-Chief Justice the Commons had appointed a committee to inquire into the abuses prevalent in the law courts. On the 15th March the committee reported a story of bribery communicated to it by two litigants in the Court of Chancery, Aubrey and Egerton, which gravely compromised the integrity of no less a person than the Lord Chancellor himself. This report proved the preface to a series of miserable revelations which blasted Bacon's reputation as a judge, and amply justified the zeal of the Commons against corruption and rascality in high places. Aubrey, it appeared, declared that he had sent Bacon, through his counsel, Sir G. Hastings, a Member of Parliament, a present of £100 in order to obtain a verdict in his favour. The Chancellor had pocketed the bribe, and yet he had failed in his suit. Egerton's story was still more damning. The Chancellor had not only accepted a basin and ewer worth

£52, but £400 in cash, likewise through the medium of Sir George Hastings and another lawyer member, Sir Richard Young, and had acknowledged his obligation to show him in return "all lawful favour," adequate to the largeness of the gift. Egerton, however, like Aubrey, had got nothing for his money.

Such were the tales told by these two suitors who had spent their money in vain and were keen for revenge. It was sufficiently serious to be referred to the Lords. "The matter," said Sir R. Phelips in reporting the charges more in detail to the House on the 17th, "is of grave consequence to all the kingdom. If the springs are muddy, how shall the streams be?" There is no reason for believing that the Commons, in adopting this course, were actuated by animus against the Lord Chancellor. Coke was no doubt an enemy, and Coke's fellow-legislators were eager to follow up the scent against Bacon as one of the obnoxious referees for granting monopolies. They were perhaps prejudiced against him on this account, but they could not, even if they had wished, ignore explicit charges of corruption against the highest law officer of the land. Their honour, urged Sir Edward Giles, as well as that of the Chancellor, called for investigation. The commonwealth, added Sir George Moore, is to be preferred before the Lord Chancellor. This was the dominant note of the debate in spite of some objections, and the House accordingly directed Phelips to report the affair to the Lords "without prejudice or opinion." It declined the offer of James of a special commission, to consist of a dozen commoners and half a dozen peers, to try the case. He might deplore the facts contained in the report and promise to see justice done, but special commissions were not to the taste of Coke, who reminded his hearers that the House of Lords was the constitutional tribunal, and that the rights of Parliament would be jeopardised by the royal proposal. A special commission nominated by the king might indeed develop a precedent detrimental to both justice and liberty. Luckily Coke's instinct for constitutional form prevented James from employing so questionable a device, and the inquiry and trial proceeded in accordance with parliamentary usage.

Inquiry, unfortunately, only multiplied the charges against

the Chancellor, preferred either by disappointed suitors or by the unscrupulous Churchill, Deputy Registrar of the Court of Chancery. Lady Wharton, for instance, further reported Phelips, had paid him £300 and had won her case against three opponents who disputed her right to an estate. Of such or similar charges there ultimately appeared twenty-three in the indictment drawn up by the Lords.

The luckless Chancellor was stunned into illness by these revelations. On the day after Phelips carried up the first of them to the Lords, he was unable to rise from his bed, and during the dark weeks when doom was hanging over his head, his debility prevented him from once appearing at the bar to face his accusers. He appealed to Buckingham to come to the rescue; but the arts of the favourite, who owed much to his friendship and probably suggested a special commission as the most feasible expedient in the circumstances, availed not against the shrewdness of a Coke. He next urged the dissolution of Parliament, but James was too sagacious to risk the odium of such a crack-brained device. Bacon, in fact, erelong perceived the hopelessness of his situation as the accusations thickened around him. Even if his memory might fail him in thinking over the thousands of cases which had passed through his hands in the course of the previous four years, he knew that some at least of the charges were only too true. It was this conviction, as well as the bodily weakness that sapped his courage, which drove him to throw up the attempt to defend himself and sue for mercy in "A Humble Submission and Supplication to the Lords." He began by professing his gladness that his example would serve for a warning to judges, and thus prove a guarantee against corruption. "It rests, therefore, that . . . having understood the particulars of the charges, not formally from the House, but enough to inform my conscience and memory; I find matter sufficient and full both to move me to desert my defence and to move your lordships to condemn and censure me." He concluded by craving indulgence for his submission and asking his judges to limit his punishment to the loss of his office and recommend him to the royal grace. The Lords would, however, not be satisfied with such generalisations, and they took exception to his presumption in

venturing to suggest his own sentence. They must have a specific answer to each of the charges, and sent him the indictment to this end. Their insistence gave him an opportunity, almost in spite of himself, of showing that a number of the sums which he had received from suitors were not bribes, but fees or gratuities which, in accordance with the practice of the time, he had accepted after judgment given. The charge of corruption could not fairly attach to these transactions, but the admission that, in at least half a dozen of the instances cited, he had taken money before a decision, conclusively proved that neither his memory nor his conscience had misled him into waiving his defence. Vindication from the general charge of corruption was in truth impossible. The document thus dragged from his reluctant pen is one of the saddest ever written by a great man. It shows a systematic tendency to sell justice which would have been despicable in a pettifogging lawyer, and is trebly repugnant in a man of Bacon's intellectual eminence and exalted official position. Moral aberration like this in such a man is a shock to humanity. The only redeeming feature of a wretched story of human peccability is the honesty with which the great sinner at last faces the facts, and the penitent sincerity that does not hesitate to confess the truth and pass judgment on himself. "This declaration I have made unto your lordships with a sincere mind; humbly craving that if there should be any mistaking, your lordships would impute it to want of memory and not to any desire of mine to obscure the truth, or palliate anything; for I do confess that in the points charged against me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect; for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of this Court."

With this explicit statement the Lords professed satisfaction, but before petitioning the king for his deprivation and passing sentence, they sent a committee to inquire whether he adhered to it. "My lords," replied the broken man, "it is my act, my hand, and my heart; I beseech your lordships to be merciful to a broken reed." His sentence was, nevertheless, very severe. On the demand of the Speaker, who

appeared at the bar in the name of the Commons, on the 3rd May, for judgment, the Lord Chief Justice declared that the Lords had found the accused guilty, and accordingly sentenced him to a fine of £40,000 and imprisonment in the Tower during the king's pleasure, and declared him incapable of holding any office in the State or sitting in Parliament. The shame of such a fall was, however, his hardest punishment. He was only confined a few days in the Tower; his fine was as usual remitted, and he was left in peace to seek distraction from the misery of his reflections in composing his "History of Henry VII."

The Great Seal, with the title of Lord Keeper and the bishopric of Lincoln, was given to the Dean of Westminster as the reward of the astuteness that, at a critical moment, had saved Buckingham from a still more deserved inquisition.

The condemnation of Bacon is to us chiefly interesting as a landmark in the history of the development of the influence of Parliament. After a long interval the Commons revive the precedent of impeachment. They accuse the highest official of the crown of malpractices in the discharge of his judicial functions. The Lords find him guilty of the charge of corruption, and, as the result of their verdict, the king deprives him of his office. He is indeed tried for a judicial, not for a political offence. He is not arraigned for carrying out an unpopular policy with the sanction of the monarch, and the royal government is thus not arraigned in the person of the accused minister. His trial is a question of justice, not of policy, or parliamentary right, and it does not afford an illustration of the claim of the Commons to control the Government of the king through his ministers. The claim was, however, erelong to be made, and the reforming temper of the Commons must ultimately lead them to attack not merely a high legal official like the Lord Chancellor for criminal malpractices at the expense of individuals, but obnoxious ministers who pursue a policy detrimental to the interests of the commonwealth. James seems to have divined the trend of this reforming zeal which might subject himself and his ministers to an inquisition incompatible with his prerogative as the sole arbiter of Government. He had tried in vain to check it; had rated the Commons for persisting in inquiring

into the conduct of the referees ; had proposed a special commission nominated by himself for the trial of the Chancellor, and in a speech to the assembled Houses on the 20th April had warned them off the ground of prerogative. His efforts to hamper inquiry had been baulked by the united strength of Lords and Commons. The Lords had at last shaken off subservience to the court, and shown an unmistakable tendency to rebel against the omnipotent favourite. In spite of momentary friction with the Lower House over the persecution of Floyd, whom the Commons too hastily arraigned for a libel against the Princess Palatine, the two Houses co-operated heartily in all measures deemed necessary for the common good. Even James' brand new peers, with Buckingham at their head, could not prevent the majority from doing what they deemed their duty to the nation in alliance with the nation's direct representatives. And this union in the pursuit of a reforming policy might ultimately serve larger ends than the punishment of corrupt officials. It might in the long run result in the reassertion of old constitutional claims, was in fact to prove fatal to James' high dogma of prerogative, though there was no question of prerogative in their crusade against abuses in high places. In the meantime it served to show him the utility of Parliament in supervising, if not controlling administration as well as merely voting supplies and debating Bills. It had brought to light his own remissness as supreme director of the Government, if not his personal maladministration. Despite his oft-repeated self-laudation as a model king, his reiterated anxiety to govern in accordance with justice, his complacent appeal to facts, his administration had been weighed in the balance and found in some respects grievously wanting. His boasted capacity to be all and direct all in the State had received a tacit rebuff from these proceedings of Lords and Commons against evil doers in high places whose rascality had thriven so luxuriantly under his all-wise auspices. They had practically shown that he was the dupe of his vanity and his fancies. He was, in fact, fain to confess the deception, if not the vanity, of which he had been the victim. In a speech to the Lords on adjourning Parliament on the 26th March he told them that he had been miserably deceived by the outward aspect of things, and that

the glaring abuses in administration unearthed by Parliament had been a sorrowful revelation to him.

Before the session was at an end, James was to be startled by the explicit assertion of those large constitutional claims towards which the reforming zeal of Parliament was surely tending. Neither the dexterity of the favourite nor the self-restraint of the Commons was capable of permanently conjuring a rupture. It was, however, in the domain of foreign policy, not of internal administration, that the storm burst. The Commons were, if possible, more interested in the fate of the Palatinate than in the crusade against domestic corruption. They were evidently not satisfied with the steps taken by James to carry out the professions of Protestant partisanship which had secured him two subsidies almost without debate. He had, indeed, fulfilled his promise to Parliament so far as to negotiate for a satisfactory agreement between his son-in-law and his antagonist. Throughout the winter and far into the summer of 1621 his ambassadors were exerting themselves to this end. Diplomacy made little headway, unfortunately. Not only were the difficulties of the situation many; James, with his Spanophile leanings and his fits of hesitation, was not the man to lessen them by steady pushfulness. The Commons, whom he did not take into his confidence in this supreme matter, were suspicious, and were determined to vote no further supply to support mere negotiation. They would gladly pay for a definite, incisive policy, but the fury into which they lashed themselves against the luckless Floyd, who had presumed to joke at the fugitive King of Bohemia's expense, absurd and tyrannic as it was, plainly demonstrated that they would not be trifled with on this subject. To avoid a collision meanwhile, James resolved to adjourn Parliament a second time. In spite of strenuous opposition, adjourned it accordingly was on the 4th June till the 14th November. Before dispersing, the Commons did what lay in their power to voice the sympathy of the English people for their coreligionists in Germany, and to show to all the world that the blame did not lie with them if that cause should be ruined by devious courses. They drew up a declaration in which they urged the king to expedite the negotiations for a satisfactory treaty, and pledged their lives and

fortunes to assist him to vindicate the Protestant cause by the sword, if peaceable means should fail. There is a grand ring of high toned principle in it, even if it was to some extent the outcome of passion as well as principle. It showed decisively that its authors were in dead earnest in this business, and that if James refused to go in the path on which they would fain compel him, he would have to reckon with an opposition which would not shrink from asserting itself at the expense of the royal prerogative, even in the domain of foreign affairs.

James, indeed, adhered on paper to his demand for the restoration of the Palatinate to his son-in-law. Both the emperor and the King of Spain must stay their hands at this limit, or incur the enmity of England and its king. He believed that he could prevent them from crossing this limit by negotiation, but in cherishing this belief he was destined to find himself the victim of self-deception. The fact was that negotiation, without a strong army to back it, was as good as useless. Ferdinand and his ally, the Spanish king, now Philip IV., might negotiate, but something more than argument, couched in very serious language at times, it might be, was needed to prevent them from taking full advantage of their success. The surest way to retain the Palatinate for his son was to show unmistakably that he would fight for it, with all the Protestant enthusiasm of England at his back. Instead of going to the Commons with this decisive policy and thereby opening the strings of the national purse in its support, he had adjourned Parliament for six months, and thus virtually conveyed to the emperor and the Spanish king the intimation that they might do as they pleased during that period. In his superior wisdom he was merely playing into the hands of the enemy by his lack of courage and insight. Christian of Denmark gauged the situation more truly. "By God," said he to James' ambassador, "this business is gone too far to think it can be redressed by words only."

True, that situation was beset with difficulties. Frederick still harboured the thought of regaining his lost crown, and his lack of moderation even in his adversity played into the hands of his enemy and complicated the case for his father-in-law. The Protestant Union fell in pieces, and its disruption plainly showed that Protestant Germany would not lose a

man to help Protestant Bohemia against its imperial head. Mansfeld was still in the field on the Bohemian border, with intent to win back his master's lost kingdom, and thus draw his sword through the finely spun web of James' diplomacy. Even if Ferdinand had been willing to come to terms with a man who still had his heart set on the Bohemian crown—and both he and Philip IV. hesitated throughout the summer of 1621 to press matters to extremities—Maximilian of Bavaria was determined to have the Palatinate as the reward of his services to the Catholic cause, and would not hear of peace short of this condition. Such a situation would have strained the resources of even a master-hand in statecraft, and the diplomacy of James, who still allowed himself to be hoodwinked by the Spanish marriage scheme and shrank from a strong, independent policy, proved helpless to avert the blow which England dreaded. In September Maximilian conquered the Upper Palatinate, and Ferdinand, while continuing to negotiate, secretly gratified his ambition by making him a present of the Elector's territory. The Elector was himself as much to blame as his father-in-law for the course things were taking. He had shown himself unreasonable and shifty, and had not heartily seconded James' efforts for an agreement with Ferdinand, who might have refrained from gifting away his dominions, if he would have been content to be Elector again and nothing more. Frederick had Bohemia on the brain, and felt himself bound to keep faith with the Bohemian Protestants. In straining at too much, he lost all. Maximilian was threatening the Lower Palatinate, and Mansfeld and Vere would soon be hard put to it to save what remained of the Elector's territory. In November James reiterated his demand for restitution, and summoned the adjourned Houses once more.

To the Commons Lord Digby, James' ambassador to the emperor, recounted his unsuccessful labours to bring about a satisfactory agreement. His failure made it imperative that they should vote an immediate supply to maintain the forces of Mansfeld and Vere throughout the winter. A very large additional sum would be necessary to send an army to their assistance in the spring. The demand gave rise to a long and hot debate, which was prefaced by complaints of the

royal encroachment on the privilege of free speech and freedom from arrest, as illustrated by the imprisonment of Sir Edwin Sandys during the recess. Secretary Calvert ultimately succeeded in pacifying the House by the assertion that Sandys had not been imprisoned for anything said or done in Parliament. His hearers were somewhat sceptical, but they accepted the declaration as at least formally sufficient, and had it recorded in their Journal. He had a far more difficult task in striving to make headway with supply against the torrent of excited speeches which swelled onwards for several days. The more ardent Protestant orators seized the occasion to condemn the king's truckling to Spain, and to demand a complete breach with the hereditary foe of Protestantism both in England and on the Continent. Digges, Perrott, Phelips, Crewe, Pym, Coke successively rose to denounce the Spanish *entente* as detrimental to the highest interests of the country. They refused to believe the friendly protestations of the Spanish king, and demanded not merely the rupture of the marriage scheme, but war to the knife against the protagonists of the Jesuits and the pope. They would not give even the supply immediately asked, unless James would strike at the arch enemy of Protestantism at Madrid, as well as at Vienna and Munich. They may not have gauged the policy of the Spanish monarch aright —they did not know the undercurrent of foreign affairs that led Philip IV. to doubt the expediency of engaging in a great war—but they were not far wrong in seeing a menace to Protestantism at home and abroad in any divergence, at such an emergency, on the part of their sovereign, from a decisively Protestant attitude. Some of their utterances were, however, not in the best of taste, and were fitted to give keen offence to James. Coke's anti-Spanish zeal carried him the length of indulging in downright vituperation. "The first scab that came among our sheep," thundered he, "was brought hither by one out of Spain; and every one knows that Morbus Gallicus (the plague) came first from Naples, which is one of the King of Spain's dominions." This from an ex-Lord Chief Justice was execrable rhetoric, but the very fact that Coke could utter words like these in the House of Commons is a plain index both of the red-hot antagonisms of the hour and of the fatuity of James' Spanophile policy. Prince Charles

would evidently never become the husband of the Infanta Maria with the goodwill of England, and James, in wasting years of negotiation to this end, had rasped the national temper, and had thus done his best to provoke opposition to the exercise of his prerogative, even in a matter in which he could brook no intrusion. Against this outburst Calvert, Cranfield, Sir Thomas Wentworth, Sackville adduced the necessity of immediate action in support of the Palatinate, and in response to their arguments the majority ultimately resolved to grant the sum provisionally demanded. But they resolved at the same time to debate a petition on religion for presentation to the king. This petition, as finally debated into shape, not only denounced popery, recusants, and their foreign abettors; it gave pointed expression to the national aversion to the Spanish match, called on the king to marry the prince to a Protestant, and exhorted him to make war on the King of Spain. It was very respectful in tone, and contained a clause expressly disclaiming any wish on the part of its authors to interfere with the prerogative in this matter. But it implied the condemnation of the royal policy. James, who had received a copy of it, would not have been the man he was, if he had not keenly resented such an implication. That the Commons should presume to question his wisdom in the direction of high affairs of State was intolerable audacity. He was further stung by Gondomar's vehement protestations against the vilification of his master and his religion. He was ill at Newmarket, and unable to appear in person to rate them for their presumption, and he at once (without waiting for its formal presentation) gave vent to his anger in a peremptory letter to the Speaker, prohibiting the House from "meddling with anything concerning our government or mysteries of State," claiming the right to call any member to account for his conduct in Parliament, and threatening beforehand that if their petition should touch on such matters, he would neither receive nor answer it.

It was now the turn of the Commons to be angry. They tried to keep their temper, and express themselves with dignity. Phelips and his fellow-orators appealed from "this soul-killing letter" once more to the right of free speech and to precedent to prove that they had not outrun their right to deal with high matters of State. Had they not debated the

question of the Union without let or hindrance from his majesty? Had their predecessors not discussed the question of the succession in Elizabeth's reign? Had not Edward III. admitted the right of the Commons to discuss such matters as treaties of peace? Their zeal for the commonweal, in accordance with such precedents, deserved better at their sovereign's hands. There must surely, cried Seymour, be traitors in their midst who had traduced their honour and endangered their rights by their private misrepresentations, and they must defend their honour and their rights. The outcome of the debate was, accordingly, the appointment of a commission to draw up a second petition, explanatory of the first, in which they prayed the king not to give ear to private reports of malicious persons, substantially repeated the contents of the first, and reminded him of their undoubted privileges and rights as a free representative assembly (6th December). "Bring stools for the ambassadors," was the facetious sally with which James greeted the deputies who carried the document to Newmarket. There was insight as well as humour in the royal hilarity. The deputies of the Commons did not come as suppliants, but as men who had rights to defend.

To this petition there came a long answer on the 14th, reprobating more at length their meddlesomeness, denying categorically their right to do so, and denouncing this assumption as an usurpation of the royal authority, comparable to that of the pope over kings, or that of "the Puritan ministers of Scotland," who sought to enslave the State under pretext of spiritual independence. In matters of foreign policy they were virtually told that they were mere simpletons. The war in Bohemia had not arisen out of a question of religion at all, but from an act of usurpation on the part of his son-in-law, which could only compromise the Protestant religion in the eyes of its enemies. Let them not wrong the Jesuits so far as to rob them of the credit of such doctrines. Moreover, in their ignorance they had insulted the King of Spain, and misinterpreted his policy, and their ignorance and prejudice totally unfitted them to deal with questions of peace or war. As to the maintenance of religion, he would never be weary in doing his duty in this respect, though they must remit "the manner and form to his care and providence." They need

not fear for their privileges "as long as they contained themselves within the limits of their duty." Let them not forget, however, that their privileges were not, as they claimed, by "ancient and undoubted right and inheritance," but "by the grace and permission of our ancestors and us."

In spite of the offensive tone of this epistle, the Commons professed satisfaction with the royal version of foreign affairs, which indeed was a needed counterpoise to their own; but they were determined not to accept James' interpretation of their rights and privileges without an unequivocal protest. "Our liberties," said Sir George Moore, "are our freehold, and the fairest flower that groweth in the garden of the Commons; if they be once nipped they will never grow again." To prevent this, let the House go into committee to consider expedients. Speaker after speaker—even moderates like Sir T. Wentworth and Sackville—rose to support the motion, and in the face of the unanimity of the House, James saw that he had made a mistake. He attempted to intervene in the debates of the committee, with a letter of explanation to Secretary Calvert. He had, he insisted, no intention of denying them any lawful privileges, neither those to which they had an undoubted right, nor those which his ancestors had in grace permitted them. The House refused to be put off with these generalities, and continued the debate. Again James broke in (18th December)—this time with a letter to the Speaker—exhorting them to go on with the business if they wished the session to end by Christmas. He would even wâive the subsidy (which had not been passed in the form of a Bill) if they would desist from raising further the question of privileges. The device failed. The Commons thanked him for his letter, but replied that they would prefer an adjournment to a prorogation, in order to give them sufficient time for the discussion of Bills before them, and went on with the debate.

It culminated in the late afternoon of that very day in the memorable Protestation in which they placed on record their rights as a free representative assembly. In language too positive for misconstruction, they claimed that the liberties and privileges of Parliaments "are the ancient and undoubted birthright and inheritance" of the English people, that all important affairs of State, as well as the making and main-

tenance of laws and the redress of grievances, are "proper subjects and matter of counsel and debate in Parliament," that, in treating of such matters, the members have the right to free speech, and immunity from arrest and imprisonment or molestation, other than the censure of the House, for anything they may have uttered in debate, and that if any complaint is preferred against a member it shall be done in full Parliament, and not by private information to the king. These claims were not new. They had been made spasmodically during the last twenty years. They had been raised by the more advanced champions of liberty in Elizabeth's reign, and they might be traced in the parliamentary records back to the era when the Lords rather than the Commons stood in the foreground as the defenders of the power of Parliament. The Commons had now gained the first place, and if they were to hold it, or indeed exert any appreciable influence as legislators, they must cling to the rights which the past had bequeathed, and the present rendered so necessary. They were extremely moderate; anything but revolutionary; but, moderate as they were, highly important. This crisp, pregnant Protestation arrayed, as in a phalanx, facts against assumptions, parliamentary right against absolute government. It was incompatible with the absolutism which James took every opportunity of emphasising, and preached at times in such an offensive style. He is hereby plainly told that he must stop short at constitutional liberties, and if he will not, the Commons will stop him, not merely by the appeal from despotism to liberty, but by the appeal from assumption to fact. They will not be threatened or cajoled into the loss of their birthright. James' system of government, in theory and practice alike, must square with the facts of the parliamentary constitution. He, and not Parliament, must beat a retreat. England will never submit to become a second France or Spain.

James realised the alternative, and did not hesitate to take up the challenge. He would have been a far wiser man than he was if he had hesitated to do so. On the 30th December in the presence of the Council, he ordered the Clerk of the Commons to produce his Journal, and with his own hands tore out the obnoxious Protestation as an infringement of his prerogative.

He further showed his contempt by sending Coke, Phelips, and Mallory to the Tower, ordering Pym to confine himself to his house, and virtually banishing Digges, Crewe, Perrott, and Rich by sending them to serve on a commission in Ireland. A week later he gave free vent to his indignation by dissolving Parliament.

SOURCES.—Lords' Journals, vol. iii.; Commons' Journals, vol. i.; Proceedings and Debates of the Commons in 1621—Notes by a Contemporary (Clarendon Press); Cobbett's Parliamentary History, vol. i., in which these Notes are incorporated; Notes of Debates in the House of Lords, taken by H. Elsing, Clerk of the Parliament, 1621, edited by Gardiner for the Camden Society; State Papers, 1619-1623; Statutes at Large, vol. iii.; Bishop Hacket, Memorials of John Williams, Lord Keeper and (subsequently) Archbishop of York, part i. (1693). Hacket's statements require testing. Wilson, Life and Reign of James I.; Court and Times of James I.; Gardiner, Prince Charles and the Spanish Marriage (1869), and in later editions of History of England; Spedding, Bacon's Letters and Life, and Life and Times of Bacon.

CHAPTER VI.

Last Years of James' Reign—Its Significance.

James might attempt to play the master over Parliament. But, in dissolving Parliament, he lost all chance of playing the master on the Continent. He embarked once more on a course of arbitrary government in the form of benevolences and impositions, for the purpose of raising funds, and only succeeded in intensifying the general irritation without obtaining much more than the amount of a single subsidy. This irritation found vent in the press, or in refusals to pay what were really arbitrary taxes. Abroad negotiation had given place to blows, and the blows were falling thick and fast on James' son-in-law. In the spring of 1622 the Palatinate was fast slipping out of the hands of Mansfeld, the Margrave of Baden, and Christian of Anhalt into those of the redoubtable Tilly. Before the summer was over, it was irretrievably lost, while James had been aimlessly floating on the tide of his own irresolution. There was nothing for Mansfeld and his vandal army but to escape to Holland. James was the most unpopular man in England. Puritan teachers persisted in passionately denouncing his Spanophile policy, even if some of them went to the gatehouse for their boldness. And, what was more important, the Puritan cause but derived new strength from the haphazard policy which was endangering Protestantism for the sake of a purpose of marriage, odious enough in itself, doubly odious in Puritan eyes as treachery to Protestantism. Puritanism made crowds of adherents among men who would otherwise have been content to let the old party shibboleths fall into oblivion. When James carried his Spanish predilections to the length of liberating Catholic recusants from prison, as he did in August 1622, these Puritans were beside themselves with disgust and apprehension. It might be a merciful act from the theoretic point of

view. From the practical standpoint it was madness. It might be impossible to have a Spanish marriage without this tribute to toleration, but to pay this tribute was to outrage the dominant religious prejudice of the day. Imagine the King of Spain releasing Protestant recusants within his dominions instead of making *auto-da-fés* of them! Catholic recusants were not burned in England. They were only fined and imprisoned. And to open the prison door and set them free seemed as great an act of anarchy in Protestant England as the refusal to burn Protestant heretics would have appeared in Catholic Spain. And all this temporising for what? That Prince Charles might marry Maria and secure a solid dowry in Spanish gold. Even this miserable climax proved ultimately beyond the range of possibility. James might champion a policy which, though it ran counter to the narrow religious prejudice of the day, might be defensible on theoretic grounds, but he did so in a paltry spirit of calculation, and his championship deserved to fail.

Fail it did at last. Prince Charles could not possibly become the husband of the Infanta as long as the Inquisition gave law in matters religious to Spain. Even his personal wooing of Maria at Madrid, with madcap Buckingham to back it, could not bridge the gulf between the would-be heretic bridegroom and the impossible Catholic bride. Charles returned a wiser, if a sadder man, and the Spanish match, to the joy of England, if to the chagrin of James, was finally relegated to the limbo of exploded infatuations.

In this deplorable contingency the only remedy lay once more in the convocation of Parliament. This expedient found warm adherents in Charles and Buckingham, who were smarting under the rebuff they had experienced in Spain, and were now the moving spirits of the war party. In response to the royal summons, a new Parliament accordingly convened on the 19th February 1624. The royal speech showed ample traces of the bitter experiences of the intervening two years. In it James appears as a new man, and the aspect of the new man is wholly favourable. Disappointment, failure, illness, had evidently humbled him into the kindliest and most conciliatory frame of mind. He had at last been taught humility as well as sense in the school of

adversity. Hence the absence of that tone of bounce and complacent superiority which had unfortunately characterised too many of his utterances. He confessed that he had allowed himself to be deceived into a waste of hopeless negotiation instead of acting a manful, independent part; had, as he put it, been "walking in a mist." He even admitted that he sorely needed their counsel, and prayed them to give it freely. He was, moreover, studiously anxious to remove the bad impression which his hasty action had left on the former Parliament, and, in his anxiety to eschew friction, he would be neither "curious nor captious." "Never man in a dry and sandy desert, where no water is, did thirst more in hot weather for drink than I do now for a happy conclusion of this Parliament." Only, let them, reciprocating this spirit, beware of wasting time on "curious questions," and "remember that spending of time is spoiling of business."

The speech was a virtual confession of the failure of the personal government which James had emphasised so often within and without Parliament. The man who believed himself capable of ruling a great nation by his own wisdom and by divine right had been taught by stern facts that he had failed, and was forced to turn in his dilemma for a remedy to the very body which he had told so offensively shortly before not to interfere in his royal concerns. It was for the Lords and Commons to redress the blunders which, for years past, in spite of ample warnings, he had committed. He had to thank the fact that these blunders had not succeeded in alienating, though they had shaken the loyalty of the people, that there was still hope of redress by the strenuous action of Parliament.

To this end both Houses listened to the long relation which Buckingham submitted, on the 24th February, of the events of the previous twelvemonth, more particularly in connection with the match. Buckingham was now, next to James himself, the most popular man in England. He stood before the assembled Houses as the embodiment of a national policy, and the story he told, if not above criticism, appealed to the religious principles, as well as the patriotism, of his audience. Their judgment was a foregone conclusion. The only remedy, they concluded, after mature conference, lay in

a complete rupture with Spain. "The treaties, both for the marriage and the Palatinate," they informed the king on the 5th March, "cannot any longer be continued with the honour of your majesty, the safety of your people, the welfare of your children and posterity, as also the assurance of your ancient allies and confederates."

In his reply James was even more effusively compliant than in his speech. He would gladly do as they counselled him. He was loth to go to war, but if it must be, he left it to them to furnish the means. His impecuniosity was such that he had barely enough to live on, and he submitted to their loyalty and discretion the task of inquiring into the state of the nation, and relieve him from the weight of debt that was threatening to crush him in his old age. Nay, they should have absolute control over the sums voted for the conduct of the war, and should even have a voice in the conclusion of peace.

As the result of the debates in both Houses on this communication, the Lords and Commons united on the 14th in presenting an assurance that, on the rupture of the treaties, they were ready to assist him to their utmost "in a parliamentary way." In reply to this unequivocal deliverance, James hesitated to commit himself irrevocably to a war with Spain. He had not, he reminded them, come to a decision on the question, had not given an official opinion on Buckingham's relation, and he must first consult with his friends and allies. While he was evidently more eager for the restoration of the Palatinate than for a breach with Spain, and was prepared to throw himself heartily into the struggle in Germany for this purpose, Parliament, on the contrary, was less eager to draw the sword on behalf of Frederick than to throw down the gauntlet to Philip IV. In any case a large grant would be necessary, and James estimated the sum at five subsidies and ten fifteenths. At the same time he begged them to add one subsidy and two fifteenths for the disbursement of his debts. He had, he concluded, almost, but not quite, made up his mind to denounce the treaties.

His hesitation did not please his hearers, but Charles and Buckingham speedily succeeded in overcoming it, and on the strength of their assurances the Commons voted three sub-

sidies and three fifteenths as a provisional grant, to be levied within one year after the declaration of the rupture of the treaties, and to be spent by a parliamentary committee, and undertook to increase it if further assistance should become necessary. Ruptured the treaties were, accordingly, on the 23rd in a Royal Declaration to both Houses. The political nightmare of seven years was thereby at an end, and the capital gave joyous vent to its relief in the bonfires which blazed in every street and in the showers of stones which the mob hurled at the windows of the Spanish embassy. Exactly against whom the war was to be directed, James did not say. He was determined to have the Palatinate, but they must leave operations in the hands of himself and his Council of War. "Whether I shall send 20,000 or 10,000, whether by sea or land, east or west, by diversion (against the Spaniards), or otherwise, by invasion upon the Bavarian, or the emperor, you must leave that to your king."

For the present the Commons were ready to bow to the royal wisdom. At that moment James was the hero of an enthusiastic nation, the leader of an unanimous Parliament. It had taken him twenty-one years of misgovernment to win the national confidence by abjuring his errors, and submitting at last to do the national will. Had he been as wise as he took himself to be, he would have made it his business to occupy this happy position from the outset. His petulance, his self-will, his tactlessness, his arbitrary ways were forgotten in the consciousness of the fact that he was ready to follow whither Parliament might lead. He was both a happier man and a greater king for his docility. "Though I have broken the necks of three Parliaments one after another, I hope that in this Parliament you shall be so resolved of the sincerity of my heart and I of your duties and affections that this shall be a happy Parliament, and make me greater and happier than any king of England ever was."

The small number of English Catholics had certainly no reason to rejoice over the turn things had taken. The Commons not only inveighed against the Spanish enemy; they raised the old hue and cry against recusants. The efforts of James to secure a larger measure of toleration had defeated themselves. He had placed himself in the eyes of the country

in the invidious position of championing what was in itself, to some extent, a wise policy of toleration at the dictate of a foreign potentate, and this foreign potentate the traditional foe of English religion and liberty. His policy had been hopelessly discredited, but it had exploded the mine of religious passion that James had hoped to extinguish, and the explosion was disastrous to the English adherents of the Spaniard's religion. Both Lords and Commons joined in a petition praying that the laws against Jesuits and seminary priests in particular, and against all popish recusants in general, might be rigorously enforced, and that these laws might not be slackened by any future treaty of marriage, or otherwise (*apropos* of the new project of marriage between Prince Charles and Henrietta Maria, the sister of Louis XIII.). Even to this aggressive petition James was no longer in a position or a humour to say "no." He gave a substantial assent, though he felt and expressed a vague conviction that it was both wrong and impolitic to persecute systematically in the cause of religion. "I have," he faintly protested, "been free from persecution, for I have ever thought that no way more increased any religion than persecution, according to the saying, '*Sanguis martyrum est semen ecclesiæ.*'" One should like to be able to add that the Lords and Commons appreciated this disclaimer of persecution—at least on theoretic grounds. Unfortunately, neither on theoretic nor on practical grounds could the plea of toleration expect serious consideration. Apart from religious principle and passion, patriotism made it impossible in the circumstances to be merciful to Jesuits and seminary priests, and Englishmen who rated their faith in such plotters higher than their duty to their country could not expect much consideration for their convictions. Unfortunately, Parliament, in the heat of ardent patriotism and religious passion, failed to discriminate between political plotters and honest Catholics.

In the course of their inquisition into the state of the nation, the Commons discovered serious irregularities in the Lord Treasurer's department. The Treasury was now under the direction of Cranfield, who had been raised to the peerage under the title of Earl of Middlesex, and the discovery must have come with a shock to many of his old colleagues of the

Lower House. There is reason to suspect that the initiation of the accusation of malversation was due to the resentment of Charles and Buckingham at the Treasurer's opposition, on financial grounds, to the policy of hurrying on a war with Spain. Buckingham and Charles, at all events, threw themselves with ardour into the prosecution, and the Commons found the evidence sufficiently grave to warrant them in deputing Coke and Sandys to accuse him before the Lords of corruption and extortion.

Further investigation by committees of both Houses only amplified the charges against him. "Parliaments," said Coke, "work wonderful things."

Middlesex adopted a very different tone from that of Bacon in his answers to the Lords. He denied that he had received bribes from the farmers of the customs, or that he had been guilty of extortion as Master of the Court of Wards. Despite these disclaimers, the Lords summoned him to their bar to stand his trial on the charges preferred by the Commons, "as general inquisitors of the grievances of the kingdom," on the 7th May. His zeal in reforming abuses and curtailing expenditure had earned him the goodwill of the king. James had no liking for this parliamentary inquisition into the conduct of his ministers, and was nervous as to the political bearing of the revival of impeachment. It exposed the prerogative to the risk of further limitation by the device of attacking the Government in the persons of ministers. He made no attempt, however, to intervene between the Commons and the Treasurer, though he exhorted the Lords to remember that "all treasurers, if they do good service to their masters, must be generally hated." The moment of his trial was too inopportune to secure him the benefit of this reminder. The reforming mood of the Commons demanded its victims whatever their past record, and with the most potent influences at court against him, his general record for effective service availed him nothing. There was apparently sufficient truth in the charges to make strict scrutiny into every transaction very risky, and the Attorney-General pressed them with such insistence for several days that the Lords found him guilty on the 13th May, and consigned him to the fate that had overtaken Bacon three years before. His sentence was almost

identical. He was deprived of the treasurership, incapacitated from holding any office in the State, imprisoned in the Tower during the king's pleasure, fined £50,000, and debarred from ever again sitting in Parliament.

Buckingham and the prince were jubilant. They had had their revenge, and that was all the significance they saw in the episode. James was more keen-sighted. He saw in the growing self-assertion of Parliament the danger to personal government, and he told Buckingham that he was a fool and was making a rod for his own back. "You will soon have your bellyful of impeachments," added he to his son gloomily. The alliance between Charles and the Commons was certainly destined to be short-lived.

James was, in fact, growing ill at ease, and was eager to be rid of the embarrassment of this parliamentary activity. The Commons had been heaping up Bills for the amendment of grievances which they desired him to pass, and he consented to add a considerable number of Acts to the statute book after a blank of fourteen years. Among these the Monopoly Bill at last found a place, but the Bill against recusants failed to receive the royal assent. These manifold fruits of their industry were, in truth, not so readily appreciated as the subsidy with which they were accompanied. On presenting them on the 28th May James acknowledged their generosity with more than ordinary heartiness. But he fell into a scolding tone towards the end of his speech over their zeal in pestering him with grievances. When on the morrow he prorogued Parliament and the Commons made their final withdrawal from the presence of the monarch, whose last parliamentary speech this was destined to be, the old feeling of friction and strain was unfortunately present once more on both sides to rasp their last parting. "The parting," notes that observant scribe, John Chamberlain, to his friend Carleton, "was with no more contentment than needed on either side."

James had only a few months more to live. He had become prematurely old and feeble at fifty-six. During these months the marriage of his son and the recovery of the Palatinate still engaged his relaxing energies. He lived to witness the initiation of both these projects. Baulked in his suit for the Spanish match, he fell back, under Buckingham's auspices,

on the old project of a French one. The union of Charles and Henrietta Maria was ultimately arranged on terms which guaranteed the relaxation of the persecution of the bride's English co-religionists. It was the basis of an alliance against Spain, and James might cherish the hope that he had at last thereby paved the way for the realisation of the other grand project —the restitution of the Palatinate. He did not live to discover that he was once more the victim of a melancholy delusion. It was his misfortune that since the day he had elected to waste his energies in fruitless negotiations, instead of wooing opportunity by action, all his combinations had proved mere air-bubbles. He did live to experience the bitterness of the collapse of his efforts to launch the alliance by the expedition to Holland in support of Mansfeld. He had blundered through the latter half of his reign. The crowning blunder came at its close when he allowed himself to spend English money and waste the lives of English troops in a hopeless venture under a hopeless general. The expedition to Holland proved a deplorable failure, and under the shadow of this failure James went to his last account.

It cannot be said, in spite of all the flatteries of the hour, that a great man and a great ruler disappeared from the world when James VI. of Scotland and I. of England died. We might easily deceive ourselves into this belief if we judged his character from the utterances of his courtiers, or even from the speeches in which the House of Commons directed their Speaker to address him on formal occasions. The courtiers were for the most part hirelings and sycophants; the Commons were using the language which conventional etiquette demanded. James was not the great man, nor the great ruler he imagined himself to be. Nevertheless, he was by no means the sorry figure that historians have usually painted. He had, unfortunately, the faculty of making himself ridiculous in the eyes of posterity, and he has accordingly had more than his share of ridicule. His ungainly figure has been a favourite mark for the shafts of wits and stylists. His fondness for a dram has quickened their hilarity, and his proneness to rough jesting has turned the laugh against himself, as a man whose jokes were at times neither very pithy nor in the best of taste. His perpetual harping on his royal rights, especially

his divine rights, has presented him in the character of a bore who never knew when to hold his tongue, and, consequently, systematically roused irritation and challenged opposition. In spite of his habitual good nature, he was choleric and crotchety, and to touch his weaknesses was instantly to set his temper in a blaze. On such occasions he could indulge in cutting declamation without stint, and scold with all the bitterness of a shrew. Such foibles have tended to obscure the good sides of him. Yet he had many qualities which might honour a king. He could be shrewd enough, though he allowed himself to be easily duped, was often extremely ready and cogent in argument, could reason dexterously with the keenest intellects of the day, had very considerable learning and no small humour, was a fluent orator, could sometimes make a really sensible speech, rose to some extent above the prejudices of his time, if not above his own, was fertile in ideas if he could not translate them into action. His advocacy of toleration as far as it went (and it did not unfortunately go the length of embracing the Puritans) was admirable, his profession of devotion to duty unexceptionable. His dislike of war, his striving to bring reason rather than the sword to bear on international contentions deserved well of his age. With all his foibles and his egotism, the impression is borne in on us that he really meant well and tried to do well. He really hated oppression, tyranny, and meant to make the nation prosperous and happy. He deserved, as far as his intentions were concerned, to have reaped success instead of failure. And yet he could hardly avoid, hardly help, we may say, being a failure on the throne. He did not know himself sufficiently well to guard against his own weaknesses. His own excellence, as ruler and man, despite occasional fits of self-depreciation, was a deeply engrained conviction. If he speaks, wisdom must flow as from the lips of Solomon himself. His sense of superiority to all men naturally led him to cherish those high notions of his office which he dunned into the ears of his generation as if it were a revelation from heaven, to be accepted as implicitly as the Gospel itself. This fatuous self-worship, which betrayed him into an implicit trust in his own theories, made it impossible for him to succeed as king in such an age. What the successor of Elizabeth (and that

successor a Scotsman) needed in the highest degree was the spirit of self-restraint, compromise. To that spirit James was an utter stranger. He was the very man to provoke friction at a time when the genius of conflict was in the air. He not only failed to know himself; he failed completely to understand his age. He exaggerated the Tudor tendency to play the master at a time when the spirit of reaction was brooding over the land. He cherished the belief that everything depended on the monarch when the spirit of independence had begun to stir in the nation. To fit himself into this situation was a task beyond his powers, and thus he only succeeded in intensifying the jealousy between crown and Parliament.

In this fact lies the chief significance of his reign. It forms the prologue to the tragedy of that of his son, the skirmish before the great constitutional battle which raged at its fiercest during the quarter of a century that followed his death and only finished with the century itself. For the outbreak of this conflict James was largely responsible. It was he that gave the impulse that made the century politically what it was. To the demand of the Commons for constitutional government he replied by emphasising his prerogative and his divine right. The Commons were ready in theory to admit both to a certain extent. They admitted in a general way that kingship was of God, and that James derived from his crown certain rights with which they might not interfere. Practically, however, they ascribed a different meaning to these things from that which James strove to read into them. They refused to believe in the personal absolutism which he would fain have derived from his prerogative and his divine right. Against these claims they as strenuously emphasised law and constitution. They only knew of a limited constitutional monarchy which the Tudors might practically ignore, but which the Lancastrians and the later Plantagenets had been compelled to recognise. Hence the genesis of the great quarrel of the century. The Commons began by defending their parliamentary rights. Their watchword was liberty as expressed in freedom of election, freedom of speech, freedom from arrest, freedom of jurisdiction. They reiterated their watchword with increasing assertiveness all through the reign,

and they were as touchy on the score of their privileges as James was on the score of his prerogative. With each successive Parliament their jealousy of the crown became keener, and with it their self-assertion waxed stronger. They ventured with increasing boldness within the domain of the prerogative and questioned the right of the king to impose arbitrary taxes, disregarded the dictum of the judges in favour of the king's right thus to impose, forced their antagonists to curtail its exercise, if not altogether to waive it. They protested against the arbitrary imprisonment of members and compelled the king to invent excuses for his conduct, which safeguarded at least their contention on this head. Anon they were bold enough to call corrupt officials of State to account, to impeach even a Lord Chancellor and a Lord Treasurer, and thus assert their right "as the general inquisitors of the State." Nay, they formulated the demand to direct, by discussion and advice at least, its general policy, and ended by squeezing its recognition out of a reluctant king. More significant still, they gradually pressed the Lords out of their position of subservience to the court into one of co-operation with them in the work of reform. Against this union of their forces James at last appeared absolutely helpless. His maladroit attempt to ignore or override Parliament, his incapacity in the direction of both internal administration and foreign policy, contributed to this extraordinary development of the power of Parliament. The Commons in particular had felt their strength, had closed their ranks into an effective phalanx for opposition and even aggression, and had thus become at the close of the reign a far more formidable body than they were at its commencement.

To their dogged activity England owes much. There can be no doubt that James made the experiment, both furtively and openly, of establishing a personal absolutism in the land. Despite all his professions of respect for the law, he constantly assumed that, as king by divine right, he might alter or override the law without consent of Parliament. He disliked the Parliament in England as he disliked the Assembly in Scotland, and in private gave expression to the hope that he might one day be able to rid himself of its interference. In his view Parliament only existed on sufferance. What this theory

achieved in France and Spain, contemporary history amply shows. The States General were being practically ignored by James' absolutist contemporaries, were summoned only in an emergency to rescue the monarch from an insuperable difficulty. So it would have been in England, had not the Commons made their decided stand against that absolutism which was making such headway abroad. Parliament was the only remaining bulwark of freedom, for James, like his brother potentates of France and Spain, was supreme over the Church, and the censorship made him master of the press as well as the pulpit. He might have no standing army, but the standing army would have come in due time if the Commons had given way. The Commons were not organised for parliamentary government as we understand it, but they knew what they wanted, and were united in the determination to get it. Immortal honour be decreed them, therefore, as the staunch defenders of the citadel of political liberty.

Let us, nevertheless, beware of exaggeration, be careful to discriminate. Let us not complacently assume that the Commons were always in the right, James necessarily in the wrong. He was at times the champion of a wise, a liberal policy against their narrowness and prejudice. Narrow and prejudiced they were in no small measure. They had the word "liberty" constantly on their lips; they did not always understand its true meaning. James would fain have shielded Catholic recusants from undue persecution. The Commons, in their patriotic and religious zeal, thirsted for the most rigorous repression in the interest not merely of patriotism, but of religious narrowness. James was at times serving the higher interests of humanity as well as the dictates of what he considered good policy. Hating the Puritans with an undying rancour as he did, he would never have let loose a Laud on them, as did his intolerant son. He was too shrewd to patronise such a zealot, even though he shared his anti-Puritan bias.

The Commons, further, were staunchly Puritan, especially in the latter days of the negotiation with Spain, but in their Puritan fervour they were inclined to infringe that liberty of speech which they rated so highly for themselves. During the session of 1621 they expelled a member, Mr Shepherd,

for boldly opposing their demand for a stricter observance of the Sabbath, and maintaining that what they termed the Sabbath was really Saturday. Nor had they any adequate conception of progress. They championed political power for Parliament as against the king. Most of them would have scouted the idea of giving any measure of political power to the lower classes, whose concession only an interval of two and a half centuries was to witness. If the people in the larger sense had demanded a share of the privileges which their legislators rated so highly for themselves, these legislators would have invoked the name of liberty in defence of class, traditional rights. They certainly did not understand liberty, whether political or religious, in a liberal sense. Eliot, for instance, while declaiming on liberty in Parliament, made no scruple of pressing men for service in the navy in his capacity as Vice-Admiral.

They were, too, the slaves as well as the champions of law. They were not progressive in this respect. It is a singular fact that the struggle between king and Commons was thus far actuated largely by a conservative spirit. They did indeed on one occasion show a tendency to question the royal pretension on grounds of reason as well as law, but in general they contented themselves with an appeal to the past. It was from the constitution as it was that they sought their inspiration; hence the ever-recurring demand for precedents, the tendency to look up the law books at every step. It was the legal element that directed the opposition to James, and the lawyers, as a rule, are not the men to champion liberty in the larger sense, the liberty that law and precedent may strangle rather than nurture. Coke and many of his fellow-lawyers would have felt themselves in purgatory in a modern parliamentary assembly.

And on a review of general policy it would be possible on general grounds to make out a strong case in favour of James against the Commons. Their opposition to his unionist policy, for instance, was narrow and selfish. Bacon, though so subservient to the exercise of the prerogative, was far in advance of his fellow-legislators on this question. Their failure to appreciate his larger views of toleration shows equal obtuseness and smallness. Their Puritan zeal was not always

in accord with knowledge or common-sense. It may be said for them, however, that the age made such appreciation difficult, and that some of James' larger schemes laboured, in the circumstances, under the drawback of being risky to the commonwealth.

The opposition to James was, too, it must be remembered, partly the outcome of national or personal prejudice. The jealousy of the old peers, for example, drove them into ill-humour with a king who was so lavish of titular distinctions to Scotsmen. Had this ill-humour been solely the expression of disgust at the disgraceful traffic in these so-called "honours," it would deserve unqualified respect. It was, unfortunately, actuated at times by petty touchiness in the matter of precedence, especially if the titled *parvenu* were a Scotsman. Some of these noble lords of ancient lineage were in truth not slow to profit by this base traffic which they affected to despise.

SOURCES.—Same as for the preceding chapter for the most part, with the addition of Elsing's Notes of the Debates in the House of Lords in 1624, edited by Gardiner for the Camden Society (1879), and State Papers, 1623-25. D'Israeli, in his Inquiry into the Literary and Political Career of James I. (1816), is a staunch champion of the king, but his championship is wanting in discrimination, and is as one-sided in its judgments as the criticisms of his opponents, whom the writer attacks so vigorously.

CHAPTER VII.

Friction between Charles I. and his First Two Parliaments (1625-1626).

Personally, Charles had not the qualities that go to make up a national hero, though the nation had not as yet discovered the fact. He presented a marked contrast to his brother Henry, whose death in 1612 had been mourned as a national calamity, and who combined with his father's frankness a manly energy and an ardent sympathy with the best instincts of his time. Charles, on the contrary, was incapable of captivating the national imagination. He was virtuous and devout, serious and thoughtful, dignified and self-restrained. But he had none of his brother's dash, still less of his father's kindly effusiveness. His mind worked slowly, was lacking in that quickness of perception, that readiness in retort that distinguished that of both his father and his grandmother. His inability to think vigorously, to express himself fluently, doubtless nurtured that tendency to reserve, taciturnity which must have seemed so strange to the generation that had grown accustomed to his father's volubility. Though he had taken an active part in the deliberations of the Upper House during the session of 1624, he was not in his element in addressing a parliamentary assembly—declared himself, in fact, "unfit for much speaking," in his first speech to Parliament, and intimated his intention to revive the old practice of communicating with the Houses through the Lord Keeper. To his listeners this must have been a welcome announcement, for James had bored rather than interested them by his loquacity. But this diffidence, coupled as it was with an habitual reserve, did not tend to bring him out of himself into the current of public life, and lessened the chance, small enough as it was, of his being able to enter into, understand the forces, the aspirations at work

in the nation. What was needed now, as during his father's reign, was a man to lead the nation in the path on which its destiny was carrying it. Charles could not lead, because he could not understand the nation, and if he attempted to drive it, he must come to ultimate grief. And drive it he would, in spite of its unmistakable tendency to kick over the traces. He might be diffident, reserved in speech, but he had his deeply rooted convictions, the faculty of assuming that he was right and everybody else wrong, in the face of contradiction, opposition. He would persist in doing his will, come what might, by dissimulation, if direct effort failed. It remained to be seen whether he was a strong enough ruler to mould or drive the nation into compliance with his narrow notions of kingship.

Unfortunately for him, difficulty dogged him from the outset. The marriage treaty with France bound him to tolerate recusants, and on the day on which he was married by proxy at Nôtre Dame he directed the Lord Keeper to stay all prosecutions against Roman Catholics, subject to the stipulation "that they behave themselves modestly therein, and yield us that obedience which good and true subjects owe unto their king." The order, as qualified by the stipulation, was eminently humane and reasonable. There was no motive, except religious prejudice, for persecuting loyal Papists. Unhappily, however, all Roman Catholics were not loyal Papists in the English acceptation of the words, and it was very unlikely that Jesuits and seminary priests at least would refrain from political intrigue to the detriment of Protestantism, both at home and abroad. The battle between the two creeds was still raging over a large part of Europe, and Jesuits would not have been Jesuits if they had not taken their fair share in the strife. The concession to Catholics, however reasonable in itself, could not but give offence to the English people. To the more intolerant Puritans, it was an offence against religion as well as patriotism. To the more moderate Protestants who, like Eliot, were not narrow Puritans, but ardent patriots, with certain Puritan sympathies, it was highly dangerous to the commonwealth. Both were mistaken in infringing, for political or even religious reasons, the rights of the

Catholic conscience, and they ought to have been content to try the experiment of trusting to such a reservation as Charles stipulated. But the spirit of the age and the actual antagonisms which the struggle on the Continent had aroused, made it difficult, in the eyes of Englishmen, to dispense with what we recognise as unjust, persecuting laws in favour of even a carefully guarded toleration. Collision between people and king on this head was, therefore, inevitable. Charles had, in fact, bound himself to a domestic policy which was certain to estrange Parliament. Nor could he in return count on that active alliance on the part of France which might, in the circumstances, have made the alliance palatable to the nation. Despite Buckingham's feverish efforts, the marriage treaty led to no whole-hearted co-operation in the great cause on which the national mind was bent. Buckingham might get the fleet ready and subsidise Christian of Denmark and Mansfeld; France showed no readiness to strike in and help to make Buckingham the saviour of Protestant Europe, even with the co-operation of English ships against the rebellious Huguenots to induce it.

Moreover, Buckingham's war programme had far outstepped that of the Commons. What they had clamoured for was a war against Spain. The recovery of the Palatinate now occupied a secondary place in their thoughts, and though they had undertaken to assist the allies of James, the miserable failure of the expedition to Holland had only increased their dislike of expensive complications in Germany. But such complications formed a cardinal part of Buckingham's policy, and Charles had come under heavy obligations to both Mansfeld and Christian of Denmark. The sum of £50,000 a month represented these obligations in cash, and to this lavish expenditure it was almost certain that the Commons would not commit themselves.

With the best intentions to maintain harmony, Charles could not well help collision with the Parliament which met on the 18th June 1625. The Commons, with men like Eliot, Pym, Phelips, Coke, Sandys to lead them once more, were eager to continue the crusade begun in the last year of his father's reign, but it was speedily evident that Charles must agree to carry it out on their terms, if he expected their

speedy and hearty support. That support, it was soon apparent, would be neither hearty nor speedy unless their intolerant zeal was satisfied. It was in vain that he reminded both Houses, in his short speech, that they were responsible for the foreign policy on which his father had embarked, and bound to maintain it with all the expedition possible. Equally vain the attempt to brush aside the doubts as to his Protestant zeal, which "some malicious men" had whispered, by the assurance of his determination to uphold the faith in which he had been brought up "at Gamaliel's feet." The emphasis which the Lord Keeper, who followed, laid on supply was not more convincing. The Speaker, Sir Thomas Crewe, on presenting himself to his majesty on his election, struck the dominant note when he expressed the hope that the king would "maintain true religion and the ancient laws," at the same time that he exhorted him to draw the sword for the recovery of the Palatinate, "and not suffer those locusts, the Jesuits, to eat up the fruits of this land."

The Commons, at Coke's suggestion, waived, indeed, the consideration of grievances, and contented themselves with a request for an answer to the petition presented to the late king. They made an exception, however, in the case of religion, and debated into shape a petition against recusants. They could hardly have done anything more embarrassing to the monarch, to whose domestic peace, as well as his treaty engagements, the petition must have seemed a terrible bugbear. The embarrassment was increased by the debate on supply, which ended in the offer of two pitiful subsidies. Two subsidies must have looked like an insult to Charles' allies as well as to himself. To subsidise these allies, and carry out his share in the operations besides, little short of a dozen subsidies were requisite, and now Charles was asked to accept a paltry £140,000. He had, however, himself largely to blame, for he had only indulged in generalities about the war, and had not submitted a statement of the expenditure of the former grant, or the precise objects which a fresh one was to serve. Without such definite information, and in view of the failure of the expedition to Holland, the majority of the Commons, as voiced by Phelips, held that they were not justified in voting more.

Moreover, they disclaimed responsibility for the war policy of Charles and Buckingham, though their consistency in so doing, in view of the terms in which the grant was made, is not above question. They might argue that they were not bound to homologate all that their predecessors had done, but the old leaders who had urged James into war were there to guide them once more. These leaders had undertaken to support James' allies as well as James himself in the war policy, and Charles' payments to Christian and Mansfeld already represented more than one subsidy was worth. They might, however, reasonably urge that they had never contemplated such a large expenditure, and that they had not been consulted as to the French marriage treaty and the extensive military schemes on which Charles, under Buckingham's auspices, had embarked.

Still worse, they would only grant tonnage and poundage for one year, and not, in accordance with custom, for the king's life. This certainly looked niggardly and mean, and might well appear to Charles as a personal affront. But the Commons had discovered that tonnage and poundage was made a pretext to cover certain exactions (pretermitted customs as they were called), whose legality was questionable, and they still had the old score of impositions to settle. Till these questions were disposed of, the grant should, therefore, be limited to one year.

Their parsimony made things desperate for Charles and Buckingham. It threatened to thwart all the combinations and calculations of the previous year. The skeleton House, whose members had fled in scores from the plague-stricken capital, nevertheless stood firm against the appeal of Buckingham's emissary, Sir John Coke, for a larger grant (8th July). The appeal was accompanied by an explanation of the king's obligations to his allies, but the remnant of the Commons did not feel justified in committing themselves in the absence of their fellow-members, and Charles was forced on the 11th July to adjourn it, in the meantime, thus empty-handed, to a safer environment at Oxford. At the same time he gave a verbal promise that the laws against recusants should be enforced.

On the fourth day after their assembly at Oxford, he

appeared before both Houses in the hall of Christ Church, and made for the second time a personal appeal to the generosity of the Commons. He again reminded his hearers of their obligation to support a war which had been undertaken by advice of Parliament, informed them that the two subsidies recently granted had been more than consumed beforehand, urged a further immediate supply, and intimated that an account of expenditure would be laid before them. Lord Conway and Sir John Coke accordingly repeated, with some amplification, the statement made before the adjournment of the remnant of the Commons. With this statement the Commons were by no means satisfied. Buckingham, they felt, had entered on a course which was as rash as it must prove costly. In the two days' debate that followed on the 5th and 6th August, their dissatisfaction found ample expression, and to make matters worse, the question of religion and other grievances entered as usual into competition with that of supply. Sir Simon Weston, for instance, asked who the enemy was against whom they were to furnish the sinews of war. Seymour inquired whether some of the ships fitted out with the subsidies already given had not been used against the Protestants of La Rochelle, and whether the king had as wise counsellors as had Queen Elizabeth? Phelips was still more pungent. The French match had been as great a failure as the Spanish one, and in spite of these lavish subsidies to foreigners, nothing had been achieved in Germany. Reform within was more clamant than rash ventures abroad. "In the Government there hath wanted good advice. Counsells and power have been monopolised. There have been more assaults upon the liberties of the people, more pressures within these seven or eight years than in divers ages. . . . Let us looke into the estate and Government, and finding that which is amiss, make this Parliament the reformer of the commonwealthe." Coke, who followed, confined himself to animadversions on the leakage of the revenue for the benefit of fraudulent officials, pension-holders, sinecurists, &c., but Alford roundly declared that Parliament was not committed to the recovery of the Palatinate, and was consequently under no obligation to subsidise Charles' German allies.

On the other side, Sir Richard Weston, Chancellor of the

Exchequer, and Sir Robert Heath, Attorney-General, appealed to necessity. The interest of the country as well as the king's honour was at stake. "It is not the king's necessity, it is the kingdome's," said Heath; "whatsoever he suffers in his honour or otherwise will light on us." "There never was a time," urged Weston, "wherein there should not be rumours of jealousy betwixt the king and the people." Their appeals were not without effect in bringing the House into a more tractable mind. At all events the orators were less querulous on the following day (6th August). Eliot, indeed, attacked the rash war policy of Buckingham, but he and most of his fellow-orators were ready to give further supply if the king would take the advice of wise counsellors, declare the enemy against whom it was to be used, and give an explicit guarantee on the score of religion and impositions.

Charles and Buckingham felt that they must endeavour to secure the confidence of the Commons. On the 9th August Buckingham accordingly appeared before both Houses to give, by royal command, a full answer to the petition on religion presented before the adjournment, and to the questions of foreign policy and expenditure raised during the debate. The answer to the petition was as explicit as the most exacting Protestant could wish. Charles, it was evident, had decided to leave the Catholics to their fate in spite of the marriage treaty. In regard to foreign policy the duke laboured to show that in all he had done he had merely carried out the mandate given by Parliament to the late king. The situation on the Continent had, he contended, thanks to his exertions, greatly changed for the better. In every step he had acted in unison with the Privy Council and the Council of War. He had, moreover, contributed a large sum out of his own purse to get the fleet in readiness, and with further supply to complete its equipment it would not fail to go in search of the enemy. As to the enemy in question the king had commanded him to bid them name the enemy themselves, and assure them that they should not find him slack in maintaining the war. The plunder of Spanish treasure ships should more than repay the expense of fitting out the fleet. Nor need they have any apprehension on the score of the French marriage. The king's answer to their petition was a

sufficient guarantee that no Papist should defy the law with impunity.

This statement seemed sufficiently explicit and reassuring. It wanted only one thing to make it conclusive in the eyes of Buckingham's listeners. That one thing was confidence in the speaker himself. Many of his audience were not convinced that matters stood exactly as Buckingham stated them, or that he had acted in all his negotiations and undertakings by the advice of counsellors in whom they could trust. The question was, in fact, not merely one of supply on the strength of a declared policy, but one of confidence in a certain minister who had risen by the favour of James, and not by his own merit, and to whom Charles continued the most implicit trust.

That this was the real issue at stake appeared in the course of further debate, during the next three days, on the question of supply, for which Charles sent a pressing appeal on the 10th through the Chancellor of the Exchequer. If the fleet was to achieve anything at all, urged the king, it must start at once. Further delay would be fatal, owing to the lateness of the season. Move it could not without a grant. One after another of Buckingham's supporters rose to urge compliance on a variety of grounds. Their appeals and arguments were equally futile. Nothing would induce the House to waive its distrust in the king's all-powerful mentor, and to this distrust Phelips once more gave pointed expression. If they allowed the country to be led by one man, they would be courting slavery as well as disaster. Let them take warning from the precedents in their own history, the examples of other countries. "We are the last monarchy in Christendome that retayne our original rights and constitutions." Let them not endanger them by a too ready compliance on the pretext of necessity. If the necessity be so great, then those who have brought the king into such straits must bear the blame and rely on their own counsels to extricate him. Let Sir Robert Mansell, a member of the Council of War as well as of the House, declare whether Buckingham's statement that he had acted in accordance with the advice of his fellow-counsellors was in accord with fact or not.

Mansell strengthened the impression produced by these

speeches by rising at a later stage to say that he had not been allowed to express a free opinion on the resolutions adopted in the Council of War. To this the Solicitor-General ultimately retorted that Sir Robert had taken offence because his pet scheme had not been accepted, and offered to produce Lords Brooke and Grandison, two other members of the Council, to corroborate Buckingham's declaration. Mansell admitted that he had personal reasons for disliking Buckingham, who had done him an injury, but he stuck to his contention that the duke had carried it with a high hand in the Council, and was the real keeper of the king's will. The growing animus against the favourite was heightened by the communication of information as to the outrages on English traders by Flemish, French, and even Moorish pirates, who infested the Channel or the North Sea. Some of these vessels had been captured almost within sight of Land's End, and, in one case, in view of the king's ships, and their crews tortured, starved, or burned. Instantly the House was in a blaze. What was the Lord High Admiral there for, asked the angry orators, if he could not protect the lieges at sea? Buckingham, it was replied, had given directions to proceed against the pirates. "The king's ships do nothing," cried Glanville, "but go up and down, feasting in every good port." "Let us lay the fault where it is," wrathfully burst out Seymour; "the Duke of Buckingham is touched, and it must needs be either in him or his agents." "It is not fit," roundly declared Phelips, "to repose the safety of the kingdom upon those that have not parts answerable to their places."

This scene did not bring the prospect of supply any nearer, and Charles determined to prevent further risk to his favourite's reputation by dissolving Parliament. The Commons had only time to draw up a hurried declaration protesting their loyalty, and their readiness to reform abuses and grant assistance to the king "in a parliamentary way," and praying his majesty to account all who would impugn their devotion as slanderers and enemies of the commonwealth, when Black Rod knocked at the door to summon them to the Lords' House to hear the message of dissolution (12th August).

These debates of the Parliament thus summarily dissolved are of capital importance from their bearing on the ensuing

conflict between crown and Commons. The conflict had, in truth, already begun. Within three months of the beginning of his reign Charles was brought face to face with one of the grand controversies which was to lead to such a tragic closing. It is not the question of supply, so crucial to him at the moment, that renders this Parliament so memorable. The Commons might be right or wrong in refusing to gratify the king with so small a sum as an additional £40,000. They might, and indeed would, have given this pittance without demur had there not been a far larger question at stake. The grant of this comparatively small sum would have been a vote of confidence in Buckingham, a mark of acquiescence in his right as well as his power to direct the policy of the country. This claim the Commons refused to recognise, and they pitted against it the right not merely to demand an account of his conduct, but to say whether it was for the interest of the country or not. The minister, they virtually protested, must possess the confidence of Parliament as well as of the king, and if he failed to retain this confidence, he must give way and allow the voice of Parliament to shape the policy of the Government and to deprive obnoxious ministers of their offices.

The responsibility of ministers to Parliament is clearly implied, if not expressed in some of these speeches. It was no new doctrine, for the Commons could and did appeal to ancient precedent in support of their right to call ministers to account for their misdeeds. Phelips, in fact, bade them remember the Duke of Suffolk, and Eliot in a speech which the learned Cotton drew up for him, but which he does not seem to have delivered, ransacked the records of Parliament to illustrate the claim from the fate of Gaveston, Despenser, Wickham, and others in the fourteenth, fifteenth, and sixteenth centuries. Until this doctrine was practically admitted by the king, he must submit to the refusal of supply. Whether Buckingham was worthy of all the suspicion and criticism of his opponents is open to question. He may so far be allowed the merit of doing what he sincerely believed to be the best for the country. The important thing to note is that the majority of the Commons evidently did not think so, and insisted on leaving him and his master in the lurch till

they would consent to do the will of Parliament, not their own.

Charles and Buckingham had hoped to be rid of Parliament indefinitely by the dissolution of 12th August. The fleet should sail, despite the refusal of a supply, should furnish far more than any supply could yield out of the plunder of Spanish ports and Spanish treasure ships. Sail it did, accordingly, in the beginning of October, ninety ships strong—mostly merchant vessels—carrying 5,000 sailors and 10,000 soldiers, under the command of Sir Edward Cecil, Lord Wimbledon. Its objective was Cadiz, where there was plenty of booty in prospect in the shape of Spanish ships and stores, and whence it might sweep out and intercept the Spanish treasure fleet from the West Indies. Wimbledon bombarded the port of Puntal in Cadiz Bay into surrender, landed his 10,000 troops, and marched them against a Spanish force some miles inland. He found no enemy, but his soldiers found a number of wine cellars, got dead drunk on the contents thereof, and stumbled back the next morning to their ships, after having expended their strength on Spanish wine casks instead of Spanish soldiers. Wimbledon next attempted to catch the Mexico fleet, only to discover that it had slipped past him in the night, and safely anchored in Cadiz Bay two days after he had left it. The outbreak of disease among his crews—the consequence of the rotten provisions supplied by fraudulent officials—aggravated his ill luck and blundering, and it was with miserably thinned crews and battered ships that he struggled back against the December storms into Plymouth Sound.

He brought with him, besides, the condemnation of Buckingham's system of favouritism and bravado, even if the ill-directed blow against the Spanish enemy was to some extent a popular move. That mismanagement, at which the orators of the Commons had aimed their rhetoric, was now proved by dismal failure, and if these orators were given the opportunity of renewing their efforts, they would be able to point their speeches by some damning facts now known to all the world. Charles might hush up the inquiry into the misdoings of officials which were the misdoings of his minister. The Commons would not fail to improve the occasion. Unfortunately

for Buckingham's reputation and his own, Charles was compelled by this and other untoward events to give them an opportunity of attacking his minister sooner than he wished. The hope of a peace between Louis XIII. and the rebellious Huguenots had proved illusory, and the English naval contingent in the French service was drawn into the renewed struggle with the Protestants of La Rochelle, to the disaster of Soubise's Huguenot fleet. The domestic broils between king and queen over the English Catholics grew more acute, and the relations with his royal brother-in-law were thereby strained almost to breaking point. Buckingham's journey to the Hague to pledge the crown jewels in return for a loan was unsuccessful, though he succeeded in patching up an offensive alliance between England, Denmark, and the States General (Treaty of the Hague, 29th November). On the 16th December Charles felt compelled to summon a new Parliament which met on the 6th February 1626.

Though he opened it in person, he left the Lord Keeper, now, by the dismissal of Williams in penalty of his opposition to Buckingham, Sir Thomas Coventry, formerly Attorney-General, to address the united Houses in his stead. Coventry indulged in the generalities usual on such occasions, but had not a word to say on the facts that had once more rendered the presence of Parliament necessary. The Commons were thus left to make their own programme of work, and it soon appeared that, under the leadership of Eliot, they were not at a loss for something to do. Charles had taken the precaution of "weeding out" the old leaders by making Coke, Phelips, Seymour, Wentworth sheriffs of counties, and thus disqualifying them from membership. If he expected the Commons to be more compliant in consequence, he was soon to be bitterly disappointed. Eliot was a host in himself, and with experienced and staunch henchmen like Digges, Sandys, Perrott, Pym, Selden, Wentworth of Oxford, Hampden to support him, Buckingham's hope of escaping inquisition was small indeed. Eliot had shared in Buckingham's favour, owed to him the post of Vice-Admiral of Devon, and had in the last Parliament, while attacking his policy, exonerated him from culpable mismanagement in the matter of the fleet. He was still on fairly amicable terms with his former patron

and some of his powerful adherents, like the Secretary Conway. But he was not a man to sway his public action by the consideration of past favours or the expectation of future ones. With him political principle carried it over personal obligation, and after the failure of the Cadiz expedition, whose lamentable results were brought home to him by the sight of the emaciated and dying soldiers and sailors in the streets of Plymouth, he was determined that inquiry should be made and reckoning demanded in Parliament, if not outside it. With that imaginative temperament which lent such force to his oratory, if it tended at times to exaggerate the evils he condemned, he felt the disgrace of his country as a personal smart. And he was not wanting in the courage to express it. Witness the speech on the 10th February, in which the ring and surge of modern parliamentary eloquence seem even yet to fall on the ear. Eliot would not hear of the word supply unless it were the supply of those things for which the nation had cried out so long—"Supply in government, supply in justice, supply in reformation, supply in aid of our long-neglected grievances." The business which the Commons are there to do is "the country's business, the public care, the common good, the general affairs of king and kingdom; not the mere satisfaction of any private ends or hopes." Had not the last three Parliaments given subsidy after subsidy, and was it not time for his majesty to give them something in return? In spite of this consecutive giving, in what a wretched plight is the royal treasury. How, then, could they avoid inquiring into the outlay of what former Parliaments had granted, before considering the question of a fresh supply? In other words, they must continue the inquiry begun in last Parliament, which was merely a sham, and only intended to make Parliament ridiculous. "What is this but to make a Parliament ridiculous, to pretend integrity and zeal for the common cause, and then to desert it? Consists virtue only in show or word? Do these walls comprehend our duties, and must they not extend beyond them?" Then came the climax in a passionate delineation of the wretched state of the nation, and a sweeping denunciation of those responsible for the loss and disgrace inflicted on it. "Our honour is ruined, our ships are sunk, our men perished, not by the sword, not by the enemy,

not by chance, but, as the strongest predictions had discovered and made it apparent beforehand, by those we trust." In conclusion, therefore, he demanded, without naming the duke, that committees should be appointed to consider the conduct of the war and the king's estate, and that these and other cognate inquiries should have precedence of all other business.

It was out of the inquisition thus passionately and eloquently demanded that the impeachment of Buckingham grew into shape. Apart from the impressionable temperament of the orator, which tended to carry him into mere declamation, it must be said that, in all soberness, the case for inquiry was as strong as glaring facts could make it. Under Buckingham's auspices two national disasters had followed in quick succession. The lives of thousands of men had been thrown away in the futile expeditions to Holland and Cadiz. These men had fallen a sacrifice to the incapacity of their leaders, to the inadequate or fraudulent action of subordinate officials, who were alike Buckingham's nominees. They might be common soldiers and sailors, pressed largely from the ranks of the proletariate, but they were Englishmen, and the honour of England was involved in their fate. Humanity and patriotism were alike touched in their sacrifice, and it might well occur to men, less gifted with oratoric art than Eliot, to ask whether it was not time to protest against such misdirection of power as that which the year 1625 had witnessed. Buckingham had absorbed the ruling authority. James in his later years was but a shadow of a king. The favourite was the real monarch, and the accession of Charles but tightened his grasp on power. England was the victim of a fascination that had passed from father to son, with ever more disastrous effects. Buckingham owed his dictatorial position to this fascination, and it was well that at last England stood forward, in the person of an Eliot, to declare that it would submit no longer to be governed by a mere adventurer, who might be a shining cavalier, but was assuredly no shining statesman.

In the course of the inquiry the Commons reopened the question by whose advice the king had acted. They proposed to examine the members of the Council of War. Charles interfered. They might, he said, in accordance with the

agreement of 1624, inquire whether the subsidies then granted had been employed for the objects for which they had been given; they had no right to set up an inquisition over the opinions of his councillors. On this point he was inexorable. "Gold may be bought too dear," said he to the Earl of Totness, who urged him to give way in order to expedite further supply. This supply he asked on the 10th March through the Chancellor of the Exchequer. He repeated the request some days later in response to the counterdemand for the redress of grievances. "I see you specially aim at the Duke of Buckingham," said he angrily to the Commons through the Speaker; "I wonder what hath so altered your affections towards him. I do well remember that in the last Parliament in my father's time, when he was the instrument to break the treaties, all of you did so much honour and respect him that all the honour conferred on him was too little; and what he hath done since to alter and change your minds I wot not; but can assure you he hath not meddled, or done anything concerning the public or commonwealth but by special direction and appointment, and as my servant, and is so far from gaining or improving his estate thereby that I verily think he hath impaired the same. I wish you would hasten my supply, or else it will be worse for yourselves, for if any ill happen, I think I shall be the last that shall feel it."

This communication was really too artless to have any effect in turning the Commons from the inquisition which they felt to be necessary in the interest of the country. Charles laboured under the belief that what he thought the right course must appear so to everybody else. He forgot that to men like Eliot everything seemed to have gone wrong these two years past, and that facts had tended to nurture this conviction. In spite of his assumed ignorance of these facts, the disasters which had covered two expeditions with disgrace pointed only too clearly to this conclusion. The royal inability to look facts in the face was, even at this early stage in the reign, leading Charles into a false and dangerous position of isolation from the real world around him. His desire to shield his minister might be chivalrous; he forgot that it was unwise to do so by blinking the full facts of the case. He evidently did not realise that the sacrifice of the lives of

thousands of his subjects involved his own honour as well as that of England.

Instead of complying, the Commons applied themselves with renewed vigour to the investigation of Buckingham's conduct. How, demanded Eliot in a trenchant attack on the duke, whom he now mentioned by name, on the 27th, could the nation support by its liberality a minister who had heaped on it nothing but disaster and disgrace, and under whose auspices corruption, oppression, extortion, had been rampant? "What oppressions have been practised are too visible. Not only oppressions of the subject, but oppressions on the king. His treasures are exhausted, his revenues are consumed, as well as the treasures and faculties of the subject; and though many hands are exercised and divers have their gleanings, the harvest and great gathering comes to one. For it is he who must protect the rest. His countenance draws all others to him, as his tributaries; and by that they are enforced not only to pillage for themselves, but for him, and to the full proportion of his avarice and ambition. This cannot but dishearten, cannot but discourage all men well affected, all men well disposed to the advancement and happiness of the king. Nor without some reformation in these things, do I know what wills or what abilities men can have to give a new supply." The orator then cited from the records of Parliament precedents to show that supply had been refused until redress of grievances had been granted. He dwelt more particularly on the cases of Hubert de Burgh, in the reign of Henry III., "the minion both to the king then living and to his father which was dead," and Suffolk in that of Richard II., the unworthy favourite whose dismissal the Commons had compelled by the refusal of a grant. Then followed a hard hit at the attempt to pledge the crown jewels to the Amsterdam merchants, fitted to make Charles as well as Buckingham wince. "Would," cried the orator, after reading from the records the account of the Commission granted by Richard II. to inquire into the king's estate, "would that such a Commission might be granted, if only that we then could search for the treasures and jewels that were left by that ever blessed princess of never dying memory, Queen Elizabeth!" Let them, therefore, stick by these pre-

cedents; let them resolve on a supply of three subsidies and three fifteenths, but refuse to pass the Bill till their demands had been yielded.

This bold speech, the boldest that had been levelled at a powerful minister in high favour with the king since the fourteenth century, called forth some feeble criticisms, but its force was proved by the almost unanimous resolution "that three subsidies and three fifteenths be granted, payable at separate times; the Bill to be brought in when we shall have presented our grievances and received his majesty's answer thereto."

Charles was furious. That the Commons should presume to ask for the dismissal of the minister in whom he placed his confidence was bad enough; that they should vote resolutions on the strength of speeches which seemed to reflect on himself was intolerable. He was as wise as his father and still more wedded to his own convictions. He believed in Buckingham, and he held that Parliament should also believe in him for that reason, and in any case refrain from questioning his right to do so. Two days later (29th March) he vented his anger, in the presence of both Houses, in a communication which he commanded the Lord Keeper to make for him. His majesty, declared Coventry, would suffer no encroachment on his royal rights under pretence of parliamentary interference. He would grant liberty of counsel, but not of control. In attacking his minister they were attacking himself, and he not only commanded them to desist, but to cease prying into affairs with which neither their experience nor their rights gave them any concern. They had broken faith with him in refusing to support a policy to which they had committed both him and themselves, and they had traduced his government in drawing a comparison between it and the evil times referred to. He would have no supply upon conditions, and if they insisted, he would dissolve them. "Remember," said Charles, after the Lord Keeper had concluded his recriminatory address, "that Parliaments are altogether in my power for their calling, sitting, and dissolution; therefore, as I find the fruits of them good or evil, they are to continue, or not to be."

This kind of hectoring rebuke had failed under James to prevent the Commons from persisting in opposing the royal will. It was not likely to be more successful now that the

Commons had felt their strength in many a stiff encounter with prerogative. Charles' threat was that of an absolute potenate, not of a constitutional sovereign, and it failed completely. Buckingham's attempt to vindicate himself at a conference of both Houses, backed as it was by the strong testimony of Conway in his favour, was equally ineffective. In their reply on the 5th of April, they rebutted the charges brought against them, and tried to make Charles understand that they were only serving the true interests of the crown as well as the general interest. In reference to the inquiry into Buckingham's conduct, and the royal threat in particular, they quietly appealed to precedent, old and new. "It hath been the antient, constant, and undoubted right and usage of Parliaments to question and complain of all persons, of what degree soever, found grievous to the commonwealth, in abusing the trust and power committed to them by their sovereign—a course approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the best and most glorious reigns of your noble progenitors, appearing both in records and histories. Without which liberty in Parliament, no private man, no servant to a king, perhaps no counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great officers into question for their misdemeanours; but the commonwealth must languish under their pressures without redress, and whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honour of the crown and welfare of your subjects."

Charles refrained from carrying out his threats, and in the beginning of May the Commons were at last ready to launch their bolt at the favourite's head. At a conference with the Lords on the 8th they presented through their managers, Eliot, Pym, Digges, Herbert, Selden, Glanville, Whitby, and Wandesforde, thirteen articles of impeachment. They accused him, *inter alia*, of having ambitiously engrossed in his own hands a large number of offices to the detriment of the State, bought the dignity of Lord Admiral in contravention of the statutes, failed to guard the seas, to the loss of the subject, seized a French vessel and thereby induced reprisals on English shipping, extorted £10,000 by oppressive practices from the

East India Company, delivered an English squadron into the hands of the French king for use against the Protestants of La Rochelle, sold honours and offices of judicature, misemployed the revenue for his own benefit, administered medicine to the late king in his last illness contrary to the commands of the royal physicians.

Buckingham, who was present, treated the charges with derision, and laughed at the high-flown rhetoric with which Digges opened the attack. "My lord," retorted Digges, "I can show you when a man of a greater blood than your lordship, as high as you in place and power, and as deep in the favour of the king, hath been hanged for as small a crime as the least of these articles contain." He did not venture to brave the storm of eloquence with which Eliot drove it home on the second day (10th May). To the speaker Buckingham was the incarnation of a wicked minister. All his actions appeared in the most sinister light. His elevation sprang from his insatible ambition. Money, not merit, had been the secret of his success. He had deceived everybody, and he had respected no law, no right, no interest, in his determination to be supreme. Even if he had acted as the king's instrument, which he refused to believe, this was no excuse. It was his duty to oppose, protest against unwise commands. The responsibility lay with him, not with the king. The speaker then turned his invective against the misgovernment which had victimised the land under his auspices. This man had ruled the country by his ability in intrigue, corruption. "He made a party in the court, a party in the country, a party in almost all the places of government, both foreign and at home. He raised and preferred to honours and commands those of his own alliance, the creatures of his kindred and affection, how mean soever; whilst others, though most deserving, nay, all that were not in this compass, he crossed and opposed. And having thus drawn to himself . . . in effect the powers of the whole kingdom, whether for peace or war, and having used these to strengthen and add to his alliances, he then for his further aggrandisement set upon the revenue of the crown, interrupting, exhausting, and consuming that fountain of supply." The result had been ruin to the country, and continued ruin must accrue from his continuance in power. "No wonder,

then, our king is now in want, this man abounding so, and as long as he abounds the king must still be wanting." His ambition, he continued, had not hesitated to strike at the person of the late king, for the evidence would show that he was responsible for his death for his own sinister purposes. Then, in a few nervous sentences, he bade his audience look at the picture of rascality which he had etched in such vivid touches. "In all these now your lordships have the idea of the man, what in himself he is, and what in his affections. You have seen his power and" (glancing at the fate of Lord Arundel who had been sent to the Tower, and of Digby, now Lord Bristol, who had been charged with treason for their opposition to the favourite) "some I fear have felt it. You have known his practices, you have heard the effects. It rests then to be considered, being such, what he is in relation to the king, what in relation to the State. What he is to the king you have heard; a canker in his treasures, and one that restlessly consumes and will devour them. What he is to the State you have seen; a moth to goodness, not only persisting in all ill ways, but preventing better. His affections are apparent not to be the best, and his actions prove it. What hopes or expectations, then, he gives, I leave it to your lordships." Finally came the famous parallel with Sejanus. The worst feature of this resemblance was his virtual usurpation of all authority in the State in his own person. "In his (Sejanus') public passages and relations, he would so mix his business with the prince's, seeming to confound their actions, that he was often styled *laborum imperatoris socius*, and does not this man do the like? Is it not in his whole practice? How often, how lately have we heard it! Did he not in this same place, in this very Parliament, under colour of an explanation for the king, before the committees of both Houses, do the same? Have not your lordships also heard him ever mixing and confusing the king and the State, not leaving a distinction between them? It is too, too manifest."

"My lords, I have done. You see the man. What have been his actions, whom he is like, you know. I leave him to your judgment."

Such is the terrible picture of the enemy of the State, drawn with such vivid, rapid touch. In form it is masterly.

Is it also true to the life? Our impression is that it is overdone. To paint Buckingham as an unmitigated rascal was, after all, exaggeration. It is, of course, the orator's business to make out a case against him, and he professes to go solely by the evidence. His case would have been stronger had he been more moderate. There is no hint, for instance, that Buckingham believed that his policy and his efforts to carry it out were for the best in the circumstances. There is no idea of crediting him with even an ounce of patriotism or honesty, and that, in spite of disasters and disgraces which were incontestible, he could claim some title to both, it is impossible to deny. More telling is the denunciation of his vicious influence on internal government, though even here a less impassioned orator would have refrained from indulging in wholesale badness of motive. It was evident enough that the country had been the victim of this man who owed his position to favour, not to merit, and whose government in turn had been a government of nepotism and favouritism. There was thus sufficient truth in the picture to substantiate the demand for his punishment, though Eliot's interpretation of the facts might not be in all cases that which the historian can accept.

Buckingham had, however, nothing to fear. Eliot's declamation appeared to Charles a denunciation of himself, and he resented the charges directed at his favourite as keenly as if they had been levelled against himself. "If Buckingham is Sejanus, then I must be Tiberius," he burst out bitterly. Next morning he hurried to the House of Lords with a speech prepared for him by Laud. He would vouch for the duke's innocence, and requested the Lords to guard their honour from the calumnies of the Lower House. He had already taken steps to punish the insolence of their orators. What this meant was presently apparent. Digges and Eliot had meanwhile been called to the door of the House of Commons, arrested on a warrant from the king, and conveyed to the Tower. Their disappearance was unnoticed for some time, and the business continued. At length the truth leaked out, and a great clamour arose. "Rise, rise, rise," burst from the lips of their enraged fellow-members, and, in spite of Pym's appeal for "wisdom and patience," they burst out of the

House to give vent to their feelings with unofficial freedom. Charles had committed a double blunder. He had attempted to interfere in a regular trial in the House of Lords; he had by imprisoning two of its members in the midst of a session, dealt a mortal wound to the privileges of the House of Commons. He had thrown down the gauntlet, not merely to the enemies of Buckingham, but to the constitution.

Next morning the Speaker rose to proceed with the business of the day. "Sit down!" shouted these irate Commoners; "no business till we are righted in our liberties." The appeal of Sir Dudley Carleton, an ex-ambassador and Vice-Chamberlain of the Household, as the mouthpiece of the king, was equally unavailing. Let them not provoke his majesty to extremities against Parliament by driving him to adopt "new counsels." Let them not court the fate of the States General of foreign monarchies. "In all Christian kingdoms you know that Parliaments were in use antiently, by which their kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength, and seeing the turbulent spirit of their Parliaments, at length they by little and little began to stand upon their prerogative, and at last overthrew the Parliaments throughout Christendom, except here only with us." The inference from this semi-official declaration was obvious, and it merely served to throw oil on the flames. The ex-ambassador had considerable experience of foreign courts: he did not know the House of Commons, and he blundered right into another clamour. "To the bar, to the bar," shouted a hundred angry throats. The majority spared him, as the king's mouthpiece, this form of penitence, but they refused utterly to take his suicidal advice, and determined to defend their fellow-members and repel the attack on their rights. Their determination forced Charles to give way so far as to release Digges, and to profess that Eliot was imprisoned for "things extrajudicial to" (committed, *i.e.*, outside) "the House." Carleton again blundered into a request that they should petition the king to release him as a favour, and was again shouted into silence. They would do no business till Charles had explained himself to their satisfaction.

Finding no plausible proofs among Eliot's papers of any-

thing like treason, he was compelled to let him go, and to submit to the mortification of an unanimous vote of exculpation by the Commons of both members—equivalent to a vote of censure on his own hasty step. They followed it up by declaring the levying of tonnage and poundage illegal without their consent. To make matters worse, Charles had managed to alienate the Lords by the imprisonment of Arundel. The Lords were as angry as the Commons at this infringement of their privileges, and Arundel's release followed that of Eliot. There were indications that Buckingham's confidence of an acquittal at the hands of his fellow-peers might after all be misplaced. "Who accused me?" asked he with the utmost assurance, on the 8th June. "Common fame. Who gave me up to your lordships? The House of Commons. The one is too subtle a body, if a body; the other too great a body for me to contest with. I am confident when my cause shall be tried, neither the one or the other, or part of either, will be found to have any ground to be my enemies." Even if his judges should fail to find him guilty on the evidence submitted—and he had no difficulty in weakening some of the charges at least, and in proving that he had acted in foreign policy by the king's orders—the Commons had determined to assail him on another tack. They were busy drawing up a remonstrance demanding his dismissal on the ground of the grievances therein mentioned. On the 9th June Charles intervened with a peremptory demand for a supply, and accompanied it with a threat of dissolution. The Commons answered by giving precedence to the remonstrance, which reiterated the charges against the favourite, declared him utterly unworthy of their confidence, demanded his dismissal as absolutely necessary to the welfare of the State, and condemned the offensive semi-official declaration of Carleton as subversive of the rights of Parliament. This was virtually to tell Charles that even if the Lords should not substantiate the charges on which Buckingham had been impeached, he must part with the man in whom the Commons had ceased to trust. In other words, he could only govern through those who possessed the confidence of Parliament as well as of himself. Parliament had the right to say who should govern and who not. To this doctrine Charles would not submit for a

moment, and, on the 15th June, the threatened dissolution at last put an end to the stormy session, in spite of an urgent appeal from the Lords, which Charles curtly dismissed. The baffled king vented his wrath on the remonstrance, which he ordered to be burned, and on Lord Bristol, the chief of Buckingham's antagonists in the Upper House, against whom a series of charges had been presented to the Lords, and whom he sent to the Tower.

SOURCES.—Lords' Journals, vol. iii.; Commons' Journals, vol. i.; State Papers of the Reign of Charles I. (Domestic Series), 1625-26, edited by John Bruce; Debates in the House of Commons in 1625, edited from the Fawsley MS. by Gardiner, Camden Society (1873); Debates at Oxford, another contemporary account, edited by Gardiner in *ibid.*; Letters Relating to the First Parliament of Charles I., in *ibid.*; Elsing, Notes of the Debates in the Lords (1626), edited by Gardiner for the Camden Society (1879); Eliot, Negotium Posterorum, an account of Charles' first Parliament, written by Eliot during his last imprisonment, edited by Dr Grosart. The substance of it, with copious extracts, is given by Mr Forster in his Sir John Eliot, the standard work on Eliot's career, based on the unpublished papers at Port Eliot, though somewhat panegyrist at times, vol. i. (1864). Rushworth, Collections, vol. i.; Constitutional History, vol. vii. (1751); Cobbett's Parliamentary History, vol. ii.; Clarendon, History of the Rebellion, vol. i. (1826), and Mr Macray's edition (1889); Gardiner, History of England, vols. v. and vi. (1893). Writers like Rushworth and Clarendon, as well as the Constitutional and Parliamentary Histories, require to be controlled by the recent publications of contemporaneous sources, which have greatly added to our knowledge of the first years of Charles' reign.

CHAPTER VIII.

The Religious Question—The Petition of Right (1627-1628).

Charles was at cross purposes with his Parliament in religious as well as political questions. He professed, and doubtless sincerely professed, an unwavering determination to preserve the Protestant faith, and his refusal to allow the queen to befriend her English co-religionists is proof of his sincerity. He had given the Commons explicit assurances of his zeal against recusants, and he had thrown over the religious stipulations of the marriage treaty in order to conciliate them. But the Commons were not merely Protestants; a large majority of them were Puritans of various shades of colour. Men like Phelips, Eliot, Pym, were not only staunch antagonists of Popery and its adherents, they were more or less antagonistic to any High Church aberration from the traditional creed and worship of the Church. The word Puritan, as applied to the members of James' last, and Charles' first, Parliament, does not denote identity of belief and practice. Some were staunch adherents of Calvin in practice as well as doctrine. Others were Puritans merely in the sense of desiderating an orthodox, efficient clergy. Others sympathised more with the Puritan tendency to resist the ultra-episcopal zeal of James and the high doctrine of prerogative with which he conjoined it. All were animated by an exceeding zeal against Papists, which the outbreak of the Thirty Years' War had intensified, and all equally stood on common ground in their opposition to the undue exaltation of the prerogative, whether by the king or the section of the clergy which supported him.

This section had gradually been making its influence felt under the patronage of the royal theologian, recently deceased. It had found a leader in Archbishop Bancroft, and aggressive exponents in men like Bishop Overall, of "Convo-

cation Book" fame. Overall, indeed, went further in his championship of the kingship than James was willing to follow. He denied that rebellion, under any circumstances, was justifiable. "If," according to the Convocation Book, "any man shall affirm . . . that the rebellion against any king, absolute prince, or civil magistrate, for any cause whatsoever, is not a sin very detestable in the sight of God, and, therefore, by all that fear the Lord to be eschewed, because it ever tendeth to mischief, and sometimes to the overthrow of the kingdom, principality, and country where it is raised, he doth greatly err." In that case, retorted James, if Philip of Spain were to conquer England, and become *de facto* king, no Englishman would be justified in defying his authority. The right of conquest, possession, would legitimate his authority. The Dutch, he even told these champions of the crown *versus* the people, were perfectly justified in their resistance to Spanish tyranny. God was no patron of a tyrant. Resistance to a legitimate king, even if he became a tyrant, was, however, as "The True Law of Free Monarchy" shows, a detestable political heresy in James' eyes. It was, if possible, still more detestable doctrine in the eyes of his son, and, before his reign was well begun, some of the clergy were proclaiming the fact in the pulpit and publishing it through the press. Hand in hand with this tendency went a strenuous reaction against the Calvinism dear to many Puritan hearts.

Before the close of James' reign the Commons had already fallen foul of one of these obnoxious theologians. Montague, the theologian in question, the rector of an Essex parish, ventured, in a controversial book against the Romanists, entitled, "A New Gag for an Old Goose," to recognise that there were some redeeming features in the Roman Catholic Church after all. To him the pope was not necessarily Antichrist, and he took a lenient and apologetic view of some of the abuses against which the Puritans raged so fiercely. On the other hand, he could not stand predestination. In James' last Parliament, the Commons, who saw Arminianism and Popery alike in the book, complained to Archbishop Abbot, and the archbishop administered a mild rebuke and some sensible advice. Instead of yielding,

Montague aggravated his fault by writing another book, "Appello Cæsarem," which he dedicated to Charles, and in which he professed the doctrines of Arminius, and inveighed against Puritans as hypocrites and praters. On this second effusion the Commons pounced during the first Parliament of the new reign, and this time they proceeded to arraign him themselves as a perturber of the Church, and as guilty of contempt in presuming to reiterate his opinions in print whilst his case was *sub judice* in Parliament. The more zealous Puritan members would even have added heresy to the charges against him on the ground that, as Parliament had sanctioned the Thirty-nine Articles, it had the right to punish their contravention. The majority was not prepared to transform the House of Commons into a theological synod, and waived this charge for the present, but they committed him to the custody of the Sergeant. At this stage Charles interfered. He nominated him a royal chaplain, and informed the House, on the eve of the adjournment to Oxford, that he had reserved the case for his own consideration. Montague's Arminianism was no stumbling-block to Charles, though his father had himself entered the lists against the Arminian Professor Vorstius, and threatened the States General with his wrath unless they silenced the heretic. It was enough for him that the English adherents of Arminius exalted his royal prerogative.

The Puritan zeal of the Commons refused to be baulked by such a pretext, and, on reassembling at Oxford, they returned to the charge. What right had the king to shield the conduct of a public official, even though he were a clergyman, from a parliamentary inquisition? They would at least have it out with Montague on the charge of contempt, and his name was to figure in the records of more than one Parliament in connection with the greater controversy of the rights of Parliament *versus* the king. Coke, Phelips, Seymour, Wentworth of Oxford, insisted on his being brought by the Sergeant to the bar. Brought he would have been, had he not, conveniently for himself, fallen too ill to appear.

Whatever Montague's technical offence against the privileges of the Commons, this heresy-hunt in Parliament was fraught with the utmost danger to liberty outside it. The

narrow and belligerent Coke inveighed, not merely against the technical offence of the accused, but against liberty of opinion in general. To him "the liberty to every particular man to put out all sortes of bookes" was intolerable. To Mr Wentworth, to suffer men to differ from the Puritan interpretation of the Bible was "to provoke the wrath of God." To Mr Drake "Arminianism was more dangerous than Popery," to permit it to go unpunished was to risk their salvation. Against such intolerant zealots Dr Montague might well appear the martyr of liberty of opinion. To dissent from the doctrine of predestination, or object to call the pope Antichrist, even if Parliament believed in both, was not necessarily to be a traitor to Protestantism, far less to Christianity. There was ample room for the rebound from the narrow dogmatism of Catholic and Protestant, and the doctor was, to some extent at least, the representative of a necessary and justifiable reaction in the direction of greater intellectual freedom—greater flexibility of creed. To a certain section of the clergy, Puritan dogmatism and Puritan harshness were repugnant, and they could not bring their minds to fit into the narrow groove of Calvinism. Both their intellect and their artistic sense drove them into revolt, and the Commons, in seeking to stem this revolt, were undoubtedly guilty of trying to stem intellectual and religious progress. To them religion had been settled for ever by Act of Parliament, and was henceforth to remain within the limits of Act of Parliament. Calvinism was the only possible outcome of the Reformation for England. Such a conclusion was both unenlightened and vain. Religion would not be settled by Act of Parliament, whatever the Commons might say or do. Precedent, law was not the final answer in either religion or politics.

On the other hand, men of the stamp of a Montague were not the true harbingers of the intellectual and religious liberty they claimed to represent. They disowned the doctrines of Calvin only to put in their place other dogmas equally exclusive. They might put forward a plea on behalf of Arminianism and even of Antichrist, but they were not prepared to tolerate those who differed from themselves. Their interpretation of the doctrine of the English Church was the only

true one, and any other interpretation must be suppressed by the king, if not by the Parliament. For Puritan precisians they had only the utmost contempt. They delighted to abuse them and they failed to appreciate their moral earnestness. They were hypocrites and praters, and there was no room for hypocrites and praters in the same Church with themselves. The views of both parties were mutually destructive in their own eyes, and both parties must make war upon each other to the death.

Moreover, these liberals, so-called, were the deadly enemies of political liberty. They exalted the royal power in order to stem the tide of Puritanism in religion and progress in politics. Men like Laud, Montague, Sibthorpe, Mainwaring, were the champions of political slavery. The king held his office by divine right—no new doctrine indeed, for it was the doctrine of James himself, and James did not invent it. But it was now the doctrine of a party in the Church whose interest it was to maintain it in support of political as well as ecclesiastical ideas. They became rabid political partisans, as aggressive on behalf of divine right as they were intolerant of Puritan doctrine and practice. They preached political sermons ; they expounded the Scriptures in order to support present day political nostrums. They were political quacks, smatterers in the pulpit who professed to expound the constitution without more than a pretence of special knowledge of what they were talking about. In so doing they prostituted religion to the level of their political passions and prejudices. They stood in this respect in the same relation to Charles as the Jesuits to the pope. They were the protagonists of the most outrageous pretensions, of the unlimited power of the monarch in both Church and State. The logical political issue of their teaching was the establishment of a despotism in place of a constitutional monarchy. The pope asserted his divine right to absolute supremacy over the Church, and, in the name of the Church, over the State as well, on occasion. This double supremacy the High Church theologians conferred on the king. They assumed that they alone embodied the English Church, and they required the royal supremacy to be exercised for their interest against their theological opponents. In return they supported its unrestricted exercise in the State

against Parliament and people alike. This is sufficiently apparent in their sermons and writings. "The king's power," said Laud in a sermon at the opening of Charles' first Parliament, "is from God. All judges and courts of justice, even this great congregation, this great Council now ready to sit, receive influence and power from the king." There is not a suspicion that Parliament is an elective, representative body. It is but an instrument of the royal will. Consequently resistance is unthinkable to every loyal subject. It is sacrilege. "The office and person of a king is sacred," he cried in another sermon (July 1626), "and cannot be violated by the hand, tongue, or heart of any man, that is, by deed, word, or thought; but 'tis God's cause, and He is violated in him." It is not surprising that a preacher, who could discourse such exalted nonsense, improved the occasion to discredit his theological opponents who refused to see the incarnation of God, even in a political sense, in any mortal man. Puritans who resist the divine order in the Church are prone to such sacrilege against the king. "And here kings may learn if they will that these men, which are sacrilegious against God and His Church, are the likeliest men to offer violence to the honour of princes first and their persons after."

Preachers like Sibthorpe and Mainwaring not only emphasised the divine right of kings; they did not scruple to back the king against the Parliament. They proclaimed, for instance, that the king might tax his subjects without consent of Parliament. Resistance to unjust taxation is inadmissible. Whatever kings do, insisted Sibthorpe in a sermon at the Assizes at Northampton in February 1626, subjects are bound to submit passively and suffer with meekness. "Tribute being due to princes by a triple obligation—the law of God, the law of nature, the law of nations . . . if a prince impose an immoderate, yea, an unjust tax, yet the subject may not thereupon withdraw his obedience and duty; nay, he is bound in conscience to submit." For Mainwaring, who was still more insistent on the duty of absolute submission, and pronounced eternal damnation on all who would not agree to be slaves to an arbitrary will, Parliament is virtually a body of assessors, not of legislators. The right to tax is inherent in the king, and Parliament may not challenge this right, if it pleases him

to make use of it, on extreme and urgent occasions, though it may apparently be credited with the power of supply in ordinary ones. Its function is merely "the equal imposing and more easy exacting of that which unto kings doth appertain by natural and original law and justice as their proper inheritance, annexed to their imperial crown from their very births."

It is an ominous fact that these semi-political sermons were contemporaneous with the growing influence of Laud. These preachers might not be authorities on constitutional law or political questions,—one is tempted to ask, in reading their sermons, whether such a thing as constitutional law existed. But they vamped their political dogmas with as much assurance as Coke himself, and they could reckon on the royal patronage in doing so. And the royal patronage in these matters was now equivalent to that of Laud. Laud had early distinguished his anti-Puritan zeal, and he now lost no opportunity of calumniating the Puritans as rebels in his sermons. James ought to have found in him the man after his own heart, but if he appreciated his hatred of Puritans, he did not relish the fanatic, dictatorial temper which he saw would only breed strife and aggravate resistance. He had kept the enterprising, scheming ecclesiastic, who stickled so aggressively for uniformity to his own High Church ideas, at arm's length, and only yielded to the importunities of the Lord Keeper Williams when he made him Bishop of St Davids in 1621. "I keep Laud back from all place of rule and authority," said he to Williams, "because I find he hath a restless spirit and cannot see when matters are well, but loves to toss and change and bring things to a pitch of reformation floating in his brain, which may endanger the steadfastness of that which is in a good pass." In proof thereof, he instanced his persistent efforts to upset the ecclesiastical settlement in Scotland on the basis of the Five Articles of Perth, in order to bring the Church of Scotland into comformity with that of England. Laud, he continued, was a zealot without discernment in thus urging him to break his promise. "I durst not play fast and loose with my word. He knows not the stomach of that people, but I ken the story of my grandmother the queen regent, that after she was

inveigled to break her promise made to some mutineers at a Perth meeting, she never saw good day; but from thence, being much beloved before, was despised of all the people." Williams, nevertheless, if we may believe his biographer Hacket, continued to importune. "Then take him to you," burst out James at last, "but on my soul you will repent it."

In the interval Laud had assiduously courted Buckingham and had acquired a dominant influence over the mind of Charles, who went heart and soul over to his ecclesiastical policy. He surrendered his position as arbiter to become a bitter partisan, and the baneful result of this surrender was to aggravate the constitutional quarrel by religious strife. James had, indeed, shown himself bitterly anti-Puritan, but he was sound in doctrine, as his controversy with Vorstius shows, and his zeal was directed only against the more extreme nonconformists who objected to bishops and the Prayer Book. The bulk of the Puritan party was now, however, conformist in these matters, and had Charles followed on the lines of his father, he need not have found himself at dagger's end with his Parliament on ecclesiastical questions. True, the more moderate Puritans joined with the nonconformists in defence of the creed of Calvin, and would grant no quarter to their opponents. But Charles might have tried to be the protector without becoming the patron of the Anti-Puritans. There would have been strife in any case. The aggressive spirit of Laud, the narrow dogmatism of his opponents, made that a certainty, but the king would at least have avoided the odium of becoming the partisan of an unpopular cause, and deeply rasping the feelings of the majority of Parliament and people by identifying the crown with a party in politics and religion, highly obnoxious to that majority. It might seem good policy to champion the advocates of non-resistance in Church and State at a time when resistance was the mood of the nation. This championship might be the fruit of conviction. It shows none the less that the champion was not possessed of the genius of the statesman, and was fitted by nature only to conjure rather than allay the pugnacious spirit of the age.

The Government, which these quack sermons were intended to buttress, had in very deed become arbitrary enough. The subject had by this time learned in his pocket and in his

liberty what the theory of "immediate and unjust" taxation meant in practice. The clerical interpretation of the constitution, as translated into the form of forced loans, was to him at least not a very welcome or convincing one. Failing a regular supply, Charles resorted to the expedient of asking the nation, through the justices of the peace, for voluntary contributions (July 1626). In the hope of obviating resistance, he dismissed the leaders of the parliamentary opposition, Eliot, Phelips, Alford, Seymour, Sir Thomas Wentworth, &c., from the office of justice. The device deservedly failed. The nation was not to be moved by an appeal which was a direct slap in the face to its representatives. Charles apparently believed that the parliamentary opposition represented only itself, was but a self-willed faction of lawyers, squires, and merchants. Parliament might not represent the nation in its entirety, but it certainly represented the paying part of it, and the paying part of it in general flatly refused to contribute. It would contribute through Parliament or not at all. With the country in a state of war, this general refusal was most serious. It was impossible to maintain the fleet on an empty treasury, even if Charles could call on the maritime counties to furnish the ships. In despair he sold part of his plate. Neither begging nor huckstering would win victories over Spain, or subsidise Christian and Mansfeld. For want of these subsidies Christian and Mansfeld were being out-generalled by Tilly and Wallenstein, and were disastrously beaten at Lutter and Dessau respectively (August, May 1626). Lord Willoughby's fleet, which sailed to attack a Spanish armament in the ports of Biscay, was driven back by a storm (October). Worse still, Charles' domestic broils were threatening a complete breach with France. He could stand these bickerings no longer, and in July packed the queen's French priests and attendants, whose intrigues made a hell of his palace, across the Channel. There was ample excuse for this proceeding, but taken in conjunction with the irritation excited by the right of search of French ships trading between Spain and Flanders, it was almost equivalent to a declaration of war on his brother-in-law, and the retaliatory seizure of the English-Bordeaux wine fleet made war a certainty.

How to face a war with France, as well as with Spain, was

a poser. Charles would try a forced loan, and the forced loan was exacted in spite of the opposition of the judges, which was punished by the dismissal of Chief Justice Crew and the appointment of the compliant Sir Nicholas Hyde in his place. The forced loan was still more unpopular than the free gift, but a considerable number of counties submitted to the inevitable, and intimidation, the billeting of Wimbledon's drunken soldiers, imprisonment succeeded to some extent at least in overcoming the unwillingness of the rest. Men like John Hampden, Eliot, Sir Thomas Wentworth, and many others of lesser note, who absolutely refused, were summoned to London and placed under restraint. In vain did five of these recusants, as they were called, demand a Habeas Corpus, which bound the crown to show the cause of their committal and the law court to liberate the prisoner on bail, or remand him as the case might be. The Court of King's Bench decided, in spite of the appeal of their counsel to Magna Charta, not only that the king might in certain cases imprison without cause shown, but that it was not permissible in the cases before them to ask the king to do so, and remitted the accused back to prison. They thus opened the door more widely than before to arbitrary imprisonment. On this reasoning the king might have adduced specious reasons for infringing the liberty of any man or woman obnoxious to him or his favourite.

With the help of the money thus extorted and the proceeds of the sale of French prizes, Buckingham prepared to launch his bolt at Richelieu through La Rochelle. This time there should be no disgraceful blundering as in Holland and at Cadiz. The great man in England, the Lord High Admiral himself, should lead the might of the land to the relief of La Rochelle, and to glory and plunder, besides, at the expense of both France and Spain. Buckingham had but to unfurl his flag and earth and sea would speedily learn to tremble before the incarnate genius of war. In this spirit he set sail in the end of June 1627; scattered a small force that tried to prevent his landing on the island of Rhé, off Rochelle; laid siege to the chief town St Martin; hung on for several months in the vain attempt to reduce it; sent urgent appeals for reinforcements, which only came in driblets, and for a Huguenot rising, which took place too late to be of any effect; made a

futile attempt to storm the place in the end of October; finally gave it up as hopeless; suffered on retiring a crushing defeat from a French relief force which had managed to land on the island; and returned with the miserable remnant that escaped the slaughter in the middle of November. He had shown conspicuous personal bravery, if not much capacity, and Charles magnanimously put the blame on the lack of adequate reinforcements. Buckingham had no doubt of the fact. In his own eyes he was as great a man as ever, and even more bent on prosecuting problematic schemes. In the eyes of the nation, he was not only an enemy, but an unequivocally discredited enemy of the country. It saw no redeeming feature in the sorry collapse of so much braggadocio, and to the charge of responsibility for the disasters of others there would now be added the charge of responsibility for his own.

Charles could not wash his hands of the risk of repeating the exploit, even if he had been minded to do so. His obligation to the Rochellese required him to send them speedy succour. "The French king," he told the Venetian ambassador, "is determined to destroy Rochelle, and I am determined to support it, for I will never allow my word to be forfeited." Money must, therefore, be obtained by hook or crook to enable him to meet this and other obligations. The proceeds of the loan, £236,000, were already swallowed up, but even with the additional income derived from the sale or mortgage of crown lands, and an advance of £120,000 by the city of London, the anticipation of the revenue at the end of 1627 amounted to over £300,000. The Council, at his repeated entreaties, racked its brains for further arbitrary expedients — an excise, impositions, universal ship money. Buckingham, rather ominously, suggested a standing army on the plea of the necessity of guarding the country against invasion, and sent two of his creatures to Germany to hire a body of horsemen. Suspicion saw in this plan an attempt to govern, if need be, by force pure and simple, to disarm objections to further arbitrary taxation by martial law. Whether this was Charles' intention or not, he thought better of it, and in the end of January 1628 yielded once more to the national demands for a Parliament as the only remedy. To render it

more placable he set at liberty the recusants against the forced loan.

Its temper was not likely to be much improved by an exhibition of grace which most men held to be the recognition of a right. A large number of the members were elected in virtue of their opposition to arbitrary taxation and imprisonment, and they were not the men to refrain from carrying the spirit of their constituents with them to Westminster. The successful Government candidates were in a hopeless minority.

After Laud had, on the 17th March, delivered an exhortation to unity, based on the maintenance of the royal authority in the sense of its clerical champions, Charles addressed a few rather snappish words to the assembled Houses. It was a time for action, not for speech. The immediate grant of supply was the object and duty of this Parliament, and its refusal would compel him to "use other means which God had put into his hands" in order to counteract the danger accruing from "the follies of particular men." He did not mean to threaten, but only to admonish them. He scorned to threaten any but his equals, and he was anxious to re-establish good terms and to forget and forgive the past. In spite of the elaborate exposition of the dangerous complication of foreign affairs, with which the Lord Keeper strove to strengthen the royal appeal, Charles plainly mistook the temper of the Commons in assuming that he could have supply on such easy terms. On this, as on previous and subsequent occasions, he betrayed his inability to understand his opponents and his proneness to cherish his own illusions. It was a hard, almost an impossible, task to let the light of other minds into the recesses of his own. The vast majority of the Commons, it soon appeared, were thinking of other things than supply, and were firmly resolved to follow their leaders in the concerted attack on arbitrary government, even if their attack should appear to the infatuated king perversity and rebellion. Accordingly, on the 22nd March, speaker after speaker rose to appeal to law and precedent against the grievances from which the nation was suffering, more particularly against forced loans, billeting of soldiers, arbitrary imprisonment.

From these speeches we learn once more what we might have forgotten in perusing the political sermons of the clerical

champions of divine right, that the English constitution was still a fact, and that the vast majority of Englishmen still did homage to the supremacy of law. From them we may realise, too, the passionate adherence of their representatives in Parliament to liberty, as they understood it, and their utter hatred of arbitrary government. One after another the spokesmen of the opposition invoked the heritage of legal right, the wisdom of their forefathers. They were on this subject too one-sided to carry the modern reader quite away on the flow of their eloquence. But we must remember the age and the occasion. These men could not appeal to principles which are truisms to us. With the exception of Phelips, who appealed to the original compact between king and people, they limited themselves to their rights by law, as these had been defined in past centuries. Had they done otherwise, and attempted to anticipate by evolving new principles of political right, they would have merely weakened instead of strengthening their case. In danger of destruction, they could only grasp at those supports which were tangible, and capable of bearing their weight against the flowing tide of arbitrary expedients. Precedent stood high and unbending like some ancient oak by the side of the raging current, and this oak would not give way under the clutch of strong arms. Thus, while we may dissent from some of their utterances as unduly conservative, we cannot fail to feel the force with which they carried conviction from the minds of the speakers to those of their listeners. The appeal to Magna Charta, and all statutes conceived in the spirit of Magna Charta, was the only efficacious alternative, even if we remember that Magna Charta and old statutes only contemplated the existence of the freemen, who by no means composed the people at large. Magna Charta and other old statutes in protection of the rights of certain classes were the only bars to arbitrary government known to those who so passionately invoked them. Thus the veteran Sir Edward Coke: "The 26th of Edward III. It is worthy to be written in letters of gold. 'Loans against the will of the subject are against reason and the franchises of the land.' What a word is that *franchise!* The lord may tax his villeins high and low, but it is against the franchises of the land for freemen to be taxed but by their consent in Parliament. Franchise is a

French word, and in Latin it is *Libertas*. In Magna Charta it is provided, *Nullus liber homo*, &c., and the charter hath been confirmed by sundry kings above thirty times." Thus, too, Sir Robert Phelips: "It is well known the people of this State are under no other subjection than what they did voluntarily consent unto by the original contract between king and people, and as there are many prerogatives and priviledges conferred on the king, so there are left to the subject many necessary liberties and priviledges, as appears by the common laws and Acts of Parliament, notwithstanding what these two sycophants [Sibthorpe and Mainwaring] have prated in the pulpit to the contrary. . . . To have my liberty, which is the soul of my life, taken from me by power, and to have my body pent up in a gaol without remedy by law, and to be so adjudged! O improvident ancestors! O unwise forefathers! To be so curious in providing for the quiet possession of our laws and the liberties of Parliament and to neglect our persons and bodies, and to let them lie in prison remediless! If this be law, why do we talk of liberties? Why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? What may any one call his own if not the liberty of his person?" So, too, Sir Thomas Wentworth, who gave torrent-like scope to the smarting sense of the wrongs of the nation, as well as of his own, in a passionate outburst against arbitrary encroachment on the rights of person and property: "We must vindicate—what? New things? No! Our ancient, lawful, and vital liberties. We must reinforce the laws made by our ancestors. We must set such a stamp upon them as no licentious spirit shall dare hereafter to invade them." And thus Eliot, who added a protest in behalf of religion against the insidious tactics of Laud and his disciples: "The question is not now simply in point of money. . . . The question, sir, is of the propriety of the laws: whether there be a power in them to preserve our interests, our just possessions, our lands, our goods." To admit the power of the king arbitrarily to infringe such legal rights was to jeopardise all other rights. "Upon this dispute not only our lands and goods are engaged, but all that we call ours. Those rights, those privileges which made our fathers freemen, are in question. If they be not now the more carefully preserved,

they will, I fear, render us to posterity less free, less worthy than our fathers. For this particular [infringement] admits a power to antiquate the laws. It gives leave to the State, besides the Parliament, to annihilate or decline any Act of Parliament, and that which is done in one thing, or at one time, may be done in more or oftener." In a word, to allow the king to play fast and loose with the consent of Parliament to taxation was for Eliot the thin edge of the wedge to despotism. He did not directly attack the king—none of the speakers did; he spared even Buckingham, in accordance with the policy agreed on at a preliminary meeting of the leaders. But for lack of higher prey, he struck at the Chancellor of the Exchequer (Weston) and his subordinate officials, and demanded an inquisition into their conduct. And before he sat down he had struck at those who, in the Church as well as in the State, were perturbing the commonwealth and endangering both liberties and religion by their new-fangled doctrines. Let them beware whither these blind preachers were leading the nation and take care of their religion, not only against Papists but against their Protestant patrons.

Against this appeal to law and liberty Secretary Sir John Coke's appeal for an immediate supply before grievances fell dead, coupled though it was with a detailed statement of the purposes which it was to serve. The utmost length the House would go, on the 25th March, was to resolve itself into a committee to consider both grievances and supply. Charles was bitterly chagrined. "Why, in God's name," he burst out, when the Secretary announced to him his failure, "should any one hinder them in their liberties?" He forgot that this was the very question to which the Commons desired a satisfactory answer, and which the events of the past year had started in every corner of England. The England of Charles was, unfortunately, no larger than the precincts of his own court.

The debate on supply evoked strong criticisms both of foreign policy and its miserable results. All this reckless and ruinous expenditure—for what? demanded angry orators like Eliot, Wentworth, Phelips, and Seymour. That the country might reap disgrace at Cadiz and Rochelle, and corrupt officials like Bagg, Buckingham's creature, enrich themselves. Despite these angry criticisms, they would agree to

give a grant of five subsidies, and ultimately the House agreed with them (4th April). Charles was jubilant. "By how many voices were the subsidies gained?" he asked the Secretary. "Only one," returned Sir John enigmatically. "How many were against them?" queried his majesty further. "None," was the cheery reply, "for they were voted by one voice and one general consent."

It was one thing to pass a resolution, another to pass a Bill, and the Commons had not in so doing shelved their grievances. The resolution could only become a formal vote when these grievances had been satisfactorily redressed, and Charles' reluctance to give this answer protracted the debates over this subject for fully two stormy months. The basis of this debate was a number of resolutions against arbitrary imprisonment and arbitrary taxation (3rd April), to which were subsequently added two against the billeting of soldiers and the exercise of martial law in time of peace. The Commons not only debated these resolutions into a petition, but conferred with the Lords at intervals in order to invest it with the weight of an unanimous deliverance of both Houses. Both in the debates and in the conferences the leading part was naturally taken by the lawyers, and among the lawyers, Coke, Selden, Littleton stood supreme. Against arbitrary imprisonment the lawyers contended, and the House agreed that no freeman could be committed to or detained in prison by command of the king or the Privy Council without cause shown; that every person committed or detained had a right to a writ of Habeas Corpus showing such cause, and that if no such legal cause was adduced, the prisoner should be delivered or bailed. Against this contention, Nethersole laboured to show that in certain cases king and Council must be granted the right to imprison without cause shown, in the interest of the State. How dangerous, for instance, to reveal the information known only to the Council in the case of an arrest for a conspiracy such as the Gunpowder Plot. The Solicitor-General, Shilton, appealed, moreover, in turn to precedent, and cited a decision of Chief Justice Anderson in the time of Elizabeth. There was some force in Nethersole's reasoning, and Shilton's precedent appeared rather embarrassing. Even Coke was nonplussed until he discovered, on referring to the

case in question, that the Solicitor-General had wrongly interpreted the Chief Justice. In any case, the arbitrary imprisonment of conspirators was a very different thing from the arbitrary imprisonment of freemen, some of whom, like Eliot, were Members of Parliament, for refusing to pay an arbitrary tax. There was no gainsaying the general force of the contention, and the resolutions against arbitrary imprisonment were carried unanimously. Equally strong was the contention against arbitrary taxation. "It is," contended the lawyers, "the ancient and undoubted right of every freeman that he hath a full and absolute property in his goods and estate, and that no tax, tallage, loan, benevolence, or other like charge ought to be commanded or levied by the king and his ministers without common assent of Parliament." The proposition was, historically and practically, so self-evident that it seems to have been passed without discussion.

On the 7th April they were presented to the Lords in conference, and enforced with great erudition and elaboration of argument by Digges, Littleton, Selden, and Coke. Littleton disposed of Nethersole's objection by contending that, in cases of treason, it was sufficient to state generally the cause without adding particulars that might be withheld on grounds of State necessity. Selden laid stress on the fact that to grant the king's contention was not only to endanger the rights and liberties which the subject enjoyed by law, but to defeat the object of the law itself, which was the guarantee of them. Coke emphasised the necessity of unity in defence against a common danger to the liberty of Lords as well as Commoners. Their arguments were contested by the Attorney-General and the Solicitor-General, who questioned their interpretation of precedents, and urged more particularly that no precedent could override the king's right to take whatever steps were absolutely necessary for the preservation of the State. Finally, after a second conference, the Lords hesitated to commit themselves to the arguments of the disputants on either side, and summoned the judges who had remitted the five prisoners without showing cause. Three of the four judges were equally hesitant. They had not given a judgment, but merely a provisional order. "It was," said Dodderidge, "a remit we granted in order that we might take

better advisement upon the case. The accused might have had a new writ the next day, and I wish they had." Chief Justice Hyde alone admitted roundly the right of the king to commit. The Lords were as wise as ever, and craved another conference. On the 17th and 18th April the disputants accordingly renewed and amplified their arguments *pro* and *contra*. Ultimately, after a lengthy debate extending over four days, the majority of the Upper House decided to adopt four propositions of their own safeguarding the liberty and property of the subject, and to add a fifth admitting the right of the king, in virtue of the prerogative, "intrinsical to his sovereignty and entrusted to him by God," to imprison in circumstances of special danger to the State, but praying him to declare the cause within a convenient time, and leave the accused to be tried according to law.

Meanwhile Charles had been pressing the Commons in message after message, each more urgent than its predecessor, to turn the subsidies resolution into a Bill of supply. He tried to force compliance by refusing to allow them to adjourn for the Easter holidays. The device only stiffened the opposition as an encroachment on their right to adjourn themselves. "The king," said Sir Edward Coke, "prorogues, but the House adjourns itself." The House protested (10th April), and determined that, if it was to have no holiday, it would give the extra time to the consideration of further grievances. It accordingly proceeded to discuss billeting of soldiers and martial law. Charles intervened once more to request them at least to name the date when the subsidies were to be paid. This they resolved to do, but the resolution committed them to nothing as long as it was not expressed in the Money Bill. He next tried a threat of dissolution (12th April). The king, added the Secretary, deeply resented the disposition to trench on his royal power under cover of redress of grievances. He was sharply asked to explain himself, and his silence gave orators like Eliot, Wentworth, Phelips, an opportunity of emphasising how sorely their loyalty had been tried by the abuses of which they complained. His majesty ought rather to appreciate their moderation than resent their efforts to uphold the rights of the subject. The retort of the House was to remind him, through the Speaker, that the considera-

tion of grievances had always preceded supply, that the maintenance of the rights and liberties of the subject was essential to the glory of the monarch, and that those who traduced the Commons in his presence were no true friends of the royal power. They added a petition against billeting of soldiers, in which they told him that the lawlessness of the soldiery was disgracing the royal name as well as impoverishing and demoralising the people. Charles, in reply, rebuked their insistence, and put them off with a renewed appeal to necessity. "Do not," he urged, "spend so much time in this as to hazard both my prerogative and your liberties to our enemies."

The appeal fell on deaf ears, and it was in this unyielding temper that they received the mediatory propositions of the Lords on the 26th April. They were especially suspicious of the admission of what the Lords called intrinsical prerogative, buttressed as it was by divine right. Admit that, said Coke in effect, and you may relegate the laws to the lumber room. The fifth proposition, they felt, could not be safely accepted as long as men like Buckingham and Laud might influence the exercise of this intrinsical prerogative. Nor can we reasonably blame their scepticism. If Charles had trusted his Parliament as much as he trusted the obsequious clerics and empiric politicians whose word was law, he need not have begged the Commons to hasten the most generous supply ever offered to an English king. It is very evident that this lack of confidence was the secret of the determination that drew the strings of the national purse so tightly, in spite of the emphatic profession of loyalty which the Commons intermingled even in the most passionate appeals to law and right. They felt, if they did not say, that as long as Charles allowed himself to be estranged from them and the nation they represented, by evil counsellors, their liberties were not worth the paper they were written on. If they could not force him, by the obstructive tactics which the constitution allowed them to use, to eschew these counsellors, the royal word was no guarantee of the abeyance of forced loans, arbitrary imprisonment, and other oppressive devices. It must be said for them that facts, present and future, tended to confirm their conclusions.

This trust was, nevertheless, what Charles, in his own self-sufficient, dogmatic manner, requested of them. On the 28th April he summoned them to his presence in the Upper House to assure them, through the Lord Keeper, that he admitted the binding force of Magna Charta and the other six statutes bearing on the liberty and property of the subject, that he would govern according to law, and that they might rely on his royal word and promise as surely as on any Act they could make. This was surely explicit enough. Coming from a ruler who would have heartily identified himself with the aspirations of his people instead of moulding his actions in accordance with the schemes of certain individuals, obnoxious to the people on various grounds, it probably would have conquered dissent, for the time being at least. To the Commons there were overwhelming reasons why these assurances should be transformed into irrevocable statutory guarantees. Many of them had been the victims of arbitrary tactics, and the sense of personal as well as national wrong whetted their desire for its absolute redress. Suppose the immediate vote of the subsidy Bill were not in question, would his majesty be so ready to confirm Magna Charta and the other laws against oppressive government by his pledged word? No, argued Eliot, Sir Thomas Wentworth, and others, and therefore his majesty must be pleased to put his signature to a Bill in formal, unequivocal confirmation of these guarantees, as applied to the grievances of the day. The Commons accordingly drew up a Bill re-enacting Magna Charta and the other laws in the sense in which the Commons understood them, and adding a clause against billeting, and this Bill a committee of the whole House was engaged in debating when, on the 1st May, Charles again intervened, through the Secretary, to ask once more whether they would take his royal word or not. If they would trust him, they might rest assured that he would royally fulfil his promise. The king, added the Secretary, in the face of the silence of the House, is fearful lest his prerogative be involved, and why should we strive to have more liberty than our forefathers? Make what law you will, you must still admit the royal right to commit in extraordinary cases without showing cause. Several voices were at length raised in favour of acceptance, until Wentworth

rose to rally the majority once more round the Bill. "We are," he reminded them, "accountable to a public trust, and, therefore, seeing there hath been a public violation of the laws by his ministers, nothing will satisfy them but a public amends, and our desires to vindicate the subjects' right by Bill are no more than are laid down in former laws, with some modest premises for illustration, performance, and execution." Wentworth carried the House with him, and it determined to present a representation or remonstrance on the lines of his speech, in spite of another intimation from the king that he would stand by his word, but would defend his prerogative against all innovations. In the representation they professed, as usual, the utmost confidence in the king, and disclaimed any intention of encroaching on the prerogative, but their obligations to the nation made it necessary to secure what they called "a public remedy" for the evils from which they suffered. Charles was unable to see the force of this reasoning, and their profession of absolute confidence was certainly not consistent with the suspicion which they really entertained, and which their attitude, if not their words, betrayed. "Ye acknowledge this trust," said the Lord Keeper in reply, "in your proceedings, but the king sees not how you requite him by your confidence of his word and actions. For what need explanations if ye doubted not the performance of the true meaning?" Nevertheless, since nothing but a Bill in confirmation of Magna Charta and the other statutes would satisfy them, he would not stand in the way. Only there must be no additions or explanations derogatory to his prerogative.

The Commons were no nearer the goal than ever. A Bill to re-enact the liberty statutes, without explicit application to the present controversy, could be no satisfactory solution of the problem. The reservation of the prerogative might once more afford a pretext for arbitrary imprisonment, despite the most solemn assertions to the contrary. The king's judgment or his conscience would still, in certain contingencies, be the only safeguard of liberty, and his majesty's judgment or conscience could not take the place of an explicit enactment. The Commons, therefore, decided to abandon the Bill on these terms and to adopt a petition embodying the resolutions submitted to the Lords. Such a petition, argued Coke, who

made the suggestion, would settle the question indubitably, for it would ask the king to assent, not merely to certain general statutes of hoary antiquity, but to the condemnation of the grievances from which they themselves were suffering. This, and this alone, would render the perpetration of such abuses impossible for the future. "When grievances be, the Parliament is to redress them. Did ever Parliament rely on messages? They put up a petition of their grievances, and the king ever answered them. The king's message is very gracious, but what is the law of the realm? That is the question. I put no diffidence in his majesty. The king must speak by a record, and in *particulars*, not in general. . . . All succeeding kings will say, Ye must trust me as well as ye did my predecessors, and trust my messages. . . . Let us put up a Petition of Right. Not that I distrust the king, but I cannot take his trust but in a parliamentary way."

Charles' obstructive tactics had thus only aggravated the situation for himself. A Bill re-enacting certain statutes, with some additions to assure the subject against arbitrary loans and imprisonment, was after all a comparatively mild request. And now he would have to listen, in the preamble substantiating the Petition, to a recital of the misgovernment of the past two years, and have the misdeeds of ministers and their creatures, whom he had so staunchly defended, blazoned before the whole nation. Nevertheless, the Commons proceeded to transform their resolutions into a Petition, and on the 8th May it was ready for presentation to the Lords. They must have known that the king, if not the Lords, would resist, and to tempt Charles to compliance they fixed the dates on which the subsidies were to be paid.

The debate in the Lords turned on the crucial point of the prerogative. Charles intervened with a letter claiming once more the right to imprison without showing cause in certain cases in which the safety of the State was at stake. To deny this right was in his eyes to withdraw the sovereign power which he derived from God, as well as endanger the State. He would, however, undertake for himself and the Privy Council not to imprison any subject for refusing to lend money, or for any other reason which did not concern the public safety. Cases of this latter description they might

safely leave to his judgment and conscience, and even in such cases he undertook to show cause as soon as the safety of the State would admit of its disclosure. In all other causes the judges should proceed in strict accordance with Magna Charta and the six statutes cited. The letter made an impression on the Lords, though it failed to move the Commons, to whom they submitted it, from their position, and for two days they exercised their ingenuity to find an expedient which would both satisfy the king and commend itself to the Lower House. At last, after much hair-splitting, they hit upon a saving clause, "leaving entire that sovereign power wherewith your majesty is trusted for the protection, safety, and happiness of your people." Their ingenuity was wasted on the Commons. They refused to admit any power to dispense with the laws on which the safety of the State, as well as the individual, depended—least of all a power founded on divine right. "According to Bodin," objected Alford, "sovereign power is free from any condition. We shall then acknowledge a regal as well as a legal power. Let us give that to the king which the law gives him and no more." "All our petition," said Pym, "is for the laws of England, and this power seems to be another distinct power from the power of the law." "This," added Coke, "is *magnum in parvo*, and, to speak plainly, it will overthrow all our petition. It trenches on all parts of it. . . . Look into all the petitions of former times; they never petitioned wherein there was a saving of the king's sovereignty. I know that prerogative is part of the law, but sovereign power is no parliamentary word. . . . If we grant this, by implication we give a sovereign power above all these laws." In other words, the Commons flatly refused to subscribe to the doctrine of sovereignty by divine right, or to recognise any power in the king, in virtue of this supernatural sovereignty, to infringe the rights of the subject in the sense in which they held that they had been enacted by law. To grant such a sovereignty would, as Sir Henry Martin subsequently told the Lords, undermine the legal basis of their rights in spite of royal promises and disclaimers. The king, according to this claim, might not imprison or enforce loans by the laws, but he might by his sovereign power. It was just such an arbitrary exercise of the royal power that

the petition was intended to render impossible, and from this guarantee they would not move a hair's-breadth. Their Petition was in fact an ultimatum to the Lords as well as to the king, though they continued to discuss the point in dispute in several conferences, and Wentworth emphasised the necessity of carrying the Upper House along with them if they were to gain the day. They felt that the nation had suffered in its most sacred rights, and as the nation's representatives it lay with them to redress its wrongs. The Lords might refuse their co-operation, but the Commons were "no mere cyphers to nobility," as Eliot spiritedly retorted to Wentworth, and the real right to decide for the nation lay with them. Happily, the Lords did not persist in their evasive course. A minority headed by Saye had from the outset supported the Commons, and under the leadership of Bristol, Arundel, and Williams this minority ultimately became a majority to the discomfiture of Buckingham and his friends, who held tenaciously to the saving clause. A declaration which formed no part of the Petition, but expressed their recognition of the royal supremacy, and to which the Commons might have subscribed, silenced all further opposition, and on the 28th May the Petition, with the exception of some verbal alterations, was accepted as it had come from the Lower House.

It had still to win the approval of the king, and but for the cruel logic of events this approval would certainly never have been given. Fortunately for Lords and Commons, Charles could not afford to risk five subsidies by defying their united will. Morgan had been forced by sheer starvation to surrender Stade to the imperialists. Denbigh's fleet had failed to succour La Rochelle, and on the day before the Petition passed the Lords, it hove in sight off the Isle of Wight. Its crews were both sick of body and sick of the fatuous enterprise on which they had been sent against their will. In his desperate dilemma Charles asked the judges whether, as far as the law was concerned, he might not commit without showing cause, and whether, in case he could, his assent to the Petition would absolutely prevent him from doing so. He was assured that he might commit in urgent cases "for a convenient time," and that even if he

bound himself to the Petition, the judges could still interpret it according as the case might arise. From the judges he turned to the Privy Council and finally resolved to avoid the point and give a vague reply. "The king willeth," said the Lord Keeper, speaking by his command to both Houses on the 2nd June, "that right be done according to the laws and customs of the realm." That is to say, the Lords and Commons might re-enact these laws by means of their Petition, but Charles would, notwithstanding, be in his own eyes exactly in the same position as before.

The Commons were not thus to be juggled with. They would have yea or nay from the king as from the Lords, and they maintained their ultimatum as resolutely in the face of the king as they had done in the face of the Lords. Charles evidently did not even yet realise the stern determination which the grievances of the past four years had steeled in these stout Commoners, and next day Eliot rose to propose that they be unequivocally set before him in a remonstrance. It was a sombre picture that his throbbing eloquence unfolded in view of his fellow-members. All the political quackery, incompetence, and corruption of the Buckingham régime were unsparingly set forth in the terse and nervous periods that rang in denunciation of misgovernment through the House. In paragraph after paragraph of this denunciatory eloquence his indignation swept onwards, gathering the strength of the whirlwind as it went. The causes of the mischievous state of affairs lay, he cried, "in our want of true devotion to Heaven, our insincerity and doubling in religion, our want of councils, our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruption of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasure, the waste of our provisions, consumption of our ships, destruction of our men. These make the advantage of our enemies, not the reputation of their arms. And if in these there be not reformation, we need no foes abroad; time itself will ruin us." In amplification of these points he recapitulated the history of recent events in order to show that the direction of affairs, both foreign and domestic, had been one tissue of criminal folly. In every direction to which he turned his

interrogations, the answer was the same,—gross and criminal bungling. And who had been responsible for this symphony of wrong-doing? Was it the Privy Council? he queried, turning to Sir Humphrey May, a privy councillor, who had tried to interrupt him and been howled into silence by the House for his pains. "I have more charity than to think it," he continued, answering his own query, "and unless they make a confession of themselves, I cannot believe it." His listeners only too well understood the point of the question. The evil genius of Buckingham threw its sombre shadow over the whole picture presented to their gaze. Eliot did not apostrophise this evil genius by name, but the conclusion of his speech was equivalent to an accusation of the man to whose latent nefarious influence he rightly ascribed the virtual evasion of their demands for redress. "These, Mr Speaker, are our dangers . . . these are like the Trojan horse brought in cunningly to surprise us; in these do lurk the strongest of our enemies, ready to issue on us, and if we do not speedily expel them, these are the signs, these are the invitations to others: these will so prepare their entrance that we shall have no means left of refuge or defence, for if we have these enemies at home, how can we strive with those that are abroad? If we be free from these, no other can impeach us. Our ancient English virtue, like the old Spartan valour, cleared from these disorders . . . will secure us, and unless there be a speedy reformation in these, I know not what hopes or expectations we can have."

Eliot had long been waiting for this opportunity to deliver his soul in this direct fashion of its pent-up wrath against the man whom he held responsible for the ruin of the country. He had been overruled by the other leaders at the beginning of the session, and now he had boldly risked his head in deference to his conscience. And he carried the majority with him in spite of a disposition to ask the king for a fuller answer to the Petition before proceeding with the remonstrance. In vain did Charles appeal to them to proceed with the Subsidy Bill on the ground of his answer to their Petition (4th June), and announced the impending end of the session. They paid no attention to the appeal and resolved themselves into a committee on the remonstrance.

Next day (5th June) came a peremptory order to refrain from proceeding with any business "which may lay scandal or aspersion upon the State, Government, or ministers thereof." For a short time the House was struck as if by paralysis. On recovering its speech, Phelips saw nothing for it but to give up the contest and disperse to their homes. Eliot struck a different note. His intention was evidently to make a direct onslaught on the duke. In a moment the Speaker was on his feet. "There is a command laid upon me," said he, "that I must command you not to proceed." Eliot sat down, and Rich rose to propose that they ask the Lords to join in the remonstrance. No, said Coke, after the House had again turned itself into a committee and the Speaker had left the chair to hurry to the king with the fell news. Let us state our grievances, and let us name the Duke of Buckingham as the cause of all our miseries. "That man is the grievance of grievances." The suggestion was received with acclamation, and the House was proceeding to act on it when once more Charles intervened with an order to adjourn till the morrow.

Dissolution, it seemed, must now be the only solution. At this critical conjuncture the co-operation of the Lords came to the rescue. They sent the Lord Keeper to acquaint the king with the turn things were taking. Charles drew back and sent an explanatory message to the Commons withdrawing the embargo on their right to inquire into the state of the country (6th June). They accordingly renewed consideration of the remonstrance, but at the suggestion of the Lords, agreed on the following day, the 7th, to interrupt their labours and unite with them in a request for a more definite answer.

Charles saw that he must surrender, and in the afternoon he appeared before both Houses to announce the fact. "Read your Petition," said he, "and you shall have such an answer as I am sure will please you." The reading finished, there followed the customary words which made it the law of the land, *Soit droit fait, comme il est desiré.* The plaudits which rang through the assembly were as much plaudits of victory as of gratitude. "Whereupon," adds the scribe, "the Commons returned to their own House with unspeakable

joy." Their triumph was that of the people, and the shouts of the populace in the streets without proclaimed the popular appreciation of the victory of their champions as well as of the goodness of the king.

There was, indeed, cause for jubilation, as the following quotation from the Petition, in the form in which it was finally accepted, shows. It follows a lengthy recital of the legal rights of the subject and their contravention in recent times. "They do, therefore, humbly pray your most excellent majesty that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge without common consent by Act of Parliament; and that none be called to make, answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman in any such manner as is before mentioned be imprisoned or detained; and that your majesty will be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the foresaid commission for proceeding by martial law may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your majesty's subjects be destroyed or put to death contrary to the laws and franchises of the land."

Such in its final form was the answer of the Lords and Commons to the political preachers who ignored the law and quoted Scripture in order to vindicate the arbitrary tactics of the king. In this lengthy, but pregnant sentence, the royal power is unequivocally circumscribed by the legal rights of the subject, and the king guarantees these rights without a syllable of reservation. The Petition is thus a landmark in the history of modern liberty in England, even if it cannot be said to have put an end to arbitrary government. This distinction was reserved for the Bill of Rights sixty years later. The Commons had, nevertheless, not laboured in vain. Their Petition could never become a mere antiquarian monument, though for a number of years it failed to prevent the recourse to arbitrary measures. It stood there as a witness for the constitution to which England could appeal, and in

the face of this witness it was henceforth impossible for Charles to claim that he had the law on his side, though he might explain his obligations to suit himself. He still had his prerogative to appeal to, and he was as convinced as ever that his prerogative, as he understood it, was intact. But in the eyes of the subject the appeal to prerogative could not henceforth render arbitrary taxation or imprisonment feasible, and if Charles persisted in being wiser than the subject in this matter, the consequences must ultimately be very serious. He was not made of the stuff that could afford to play the absolute ruler with impunity. Nor was England, like France, a country where the experiment could be attempted with success.

Meanwhile there was no cloud to dim the sunshine of the national jubilation. The Commons read the Subsidy Bill a third time on the 12th June and sent it to the Lords. They impeached Mainwaring for the outrageous exaggeration of the royal power at the expense of the subject contained in his sermons. The Lords found him guilty, in spite of disclaimers and explanations, "of attributing unto the king a participation of God's omnipotence, and an absolute power of government, of scandalous assertions against Parliaments, and of branding those gentlemen who refused the late loans with damnation." They sentenced him to a fine of £1,000, to imprisonment during their pleasure, to suspension for three years, and disablement for preferment for ever. He was accordingly sent to the Fleet to ruminate on the presumption and folly of clerical interference with political questions, in defiance of such a body as the English House of Commons. Charles not only acquiesced in the punishment of his clerical protagonist, who was also the *protégé* of Laud, but acceded to the request for a proclamation consigning his book to the flames.

The Commons, one is tempted to think, might now have rested on their laurels for the time being. Their appetite for victory in the cause of reform was, it speedily appeared, insatiable. They had not shelved their remonstrance, and they were resolved to ask for a far greater sacrifice to their reforming zeal than that of a sycophant doctor of divinity. In this document they declared Buckingham's régime dangerous to the State, and on the ground of his abuse of power prayed

for his disgrace and dismissal. Charles refused point blank. Unabashed, they proceeded to formulate another demand. They had not forgotten impositions. Tonnage and poundage, they argued, not quite conclusively, was a tax which by precedent, and more especially by the Petition of Right, was invalid without consent of Parliament.

Charles could stand no more of it, and before they had time to finish this additional remonstrance, abruptly summoned them to the Upper House on the morning of the 26th June, and prorogued them in a state of great irritation. He reminded them that in pressing for the Petition they had disclaimed any intention of trenching on his prerogative, and though he would abide by his word, he had not granted any new, but only confirmed their ancient liberties. He had still another loophole in the recesses of his mind. To the judges, they must further bear in mind, belonged the interpretation of the laws. The indictment against Buckingham he would ignore. Tonnage and poundage he regarded as his due and would not waive it.

Despite the Petition, therefore, the Commons were sent away with the consciousness that they had still a king with a will of his own to deal with. Needless to say, Charles had not reconciled and would not reconcile himself to the rôle of a strictly constitutional king, which they had sought to trace for him.

SOURCES.—For Montague's case during the session of 1625 see Elsing, Notes of the Commons' Debates, 1625. The views of the clerical advocates of divine right are contained in Laud's Sermons, Works, vol. i., edited by Scott for the Library of Anglo-Catholic Theology (1847), and Seven Sermons preached by W. Laud (1651); Sibthorpe, Apostolic Obedience (1626); Maynwaring, Religion and Allegiance (1627); The Convocation Book of 1606, commonly called Bishop Overall's Convocation Book, in the Library of Anglo-Catholic Theology. For Arminianism, see the Works of Arminius, translated by Nicholls (1828), and the Confession or Declaration of the Remonstrants or Arminians (English translation, undated); Moeller, History of the Christian Church, vol. iii., translated by Freese (1900); Nicholls,

Calvinism and Arminianism (1824); Moorhouse, Arminianism and Calvinism compared (1824). Lords' Journals, iii.; Commons' Journals, i.; State Papers, 1627-28, and 1628-29; Rushworth, Historical Collections, i. (the Collections omit important matter at times and require to be controlled and amplified from other sources); Constitutional History, vii. and viii.; Parliamentary History, ii.; Gardiner, Constitutional Documents of the Puritan Revolution (1889); The Earl of Strafforde's Letters and Despatches, edited by Knowler, vol. i. (1740); Letters and Papers of the Verney Family, edited by Bruce for the Camden Society (1853); Hacket's Life of Williams, part ii.; Clarendon, History of the Rebellion, i., represents the views of the party adverse to the Commons; Foster, Life of Eliot, ii. (1864); Gardiner, History of England, vi. (1893). Mr Gardiner drew on additional material for his account of the Parliament of 1628, and his work has consequently superseded to some extent even Mr Foster's Life of Eliot. He made use, for instance, of the Harleian MSS. and Elsing's and Nicholas' Notes of the Debates.

CHAPTER IX.

Breach with Parliament, and Government without Parliament (1629-1640).

Little more than six months elapsed before the assembling of the Houses on the 21st January 1629. Short as was the interval, it witnessed some startling developments—"remarkable passages," as Rushworth calls them. Hardly had the session ended when Wentworth ranged himself on the king's side, and was rewarded for what his enemies call his apostasy, his friends his public spirit, with a peerage. The presidency of the Council of the North followed some months later. Apostasy is too hard, public spirit, perhaps, too flattering, a term to apply to this change of front. Wentworth had long been a suitor for office, but Buckingham had kept a man of his powers at arm's length as too dangerous to his supremacy. His ambition had been relegated to the House of Commons for its sphere of exercise, and he had gained deserved distinction as a leader worthy to be the rival of Eliot himself in ability and eloquence. He deserves the credit of using his great powers in a noble cause, and in his championship of that cause he was as earnest as Coke or Eliot. He had felt the smart of injustice under an arbitrary régime, had been disqualified from serving in the Parliament of 1626 by his nomination as a sheriff of his county, and had been dismissed from his office as Custos of the West Riding for his hostility to the loan. This high-handed treatment galled his proud spirit and doubtless helped to make him the strenuous supporter both of the Bill of Right and the Petition of Right. Nevertheless he was not born to be a parliamentary leader in the age which produced an Eliot and a Pym. The natural sphere of Eliot and Pym was in the House of Commons; their mission, to make the Commons the

dominant force in the State. That of Wentworth was to wield the power of high office under a monarch whom he could guide and inspire with his own strong spirit. He was fitted to be the mainspring of a bureaucratic régime, and in this rôle he would have tried to eschew both the blunders and the follies of a Buckingham and given himself to the task of governing England for the benefit of the subject as well as the king. It was because England was so ill governed that he threw his strength into the opposition to the favourite and did battle for the rights of the subject. Nevertheless he was, as Mr Gardiner says, "with the opposition, but not of it." He went the length of asserting rights which he saw to be essential to the welfare of the nation. These gained, he would go no farther. To make the House of Commons the predominant factor in government was, in his eyes, to court anarchy. It was almost inevitable, therefore, that such a man should come to the parting of the ways. He was not gifted with that intensity of devotion to a public cause for its own sake, which marked out Eliot for the rôle of tribune of the people and no other. He had worked for the people, honestly and earnestly, we may believe, but he had ever an eye on the court, where the sphere which he would fain fill alone lay. In this repect he occupies a lower plane than his great fellow-orator, whose thoughts seemed always for his country, never for himself. And it is not easy to avoid charging him with inconsistency, if not with apostasy, in view at least of his future attitude towards the rights of Parliament which he had thus far helped so materially to vindicate. It is impossible to recognise in the Wentworth of 1640, the champion of unconstitutional, arbitrary measures, the Wentworth of 1628, the champion of the Petition of Right. He might, however, plead that at this stage the zeal of the Commons had outrun his own, and that he could not walk farther on the way to parliamentary government on which Eliot was bent on leading the Commons. It might well seem to a man of his type, who trusted in his own powers to rule and distrusted those of a popular assembly, that the Commons were outstripping their proper functions. There was room for hesitation, diversity of opinion as to the trend of things. And Wentworth was not the last to hesitate, dissent at a moment of crisis when two tendencies clash, and

the present seems a rent between the past and the future. The history of the Long Parliament was to produce many such "apostates" who could not in all things see eye to eye with the majority, whether that majority were Roundhead, or Presbyterian, or Independent, and yet could not fairly be called deserters from the cause they had championed.

A far more startling event was the assassination of Buckingham as he was about to set out a second time to the relief of La Rochelle. The Lord Admiral, who had thrice braved the onslaught of the Commons unscathed, fell a victim to the knife of a lieutenant of foot whom personal grievances, mingling with the grievances of his country, had made a dangerous monomaniac. It was a wretched finale to so meteoric a career, but outside the court there were few to bewail the tragedy. If Buckingham was not the unmitigated incarnation of evil of Eliot's invective, and had some good traits and much more patriotism than his enemies gave him credit for, the fact could not be gainsaid that he owed his fortune to the infatuation of his sovereign, and had long lost, if he had ever possessed, the confidence of his countrymen. His career had certainly been an unmitigated failure, despite his self-assertion, his supreme belief in himself. Supreme in the Cabinet and the Privy Council, he had ample scope for proving himself one of the greatest, as he was one of the most powerful of ministers in English annals. The task of guiding the nation at such a time would certainly have taxed the powers of a born statesman. Even genius might have failed in the face of a tremendous international complication, from which England could not well remain free, and a national convulsion which was changing the old order into the new. Buckingham was merely a political adventurer; the spoiled child of fortune who possessed some brilliant qualities of the cavalier order, but who certainly was not gifted with political genius. With no higher ability than that of the brilliant courtier, and all the self-assurance of the real statesman, he could only, in such a time of stress and storm, steer the ship of State on the rocks. Even if the Commons had shown more alacrity in lending a helping hand, such a pilot could not have saved them from shipwreck, as Charles believed and his defenders asserted. To challenge the hostility of Spain,

France, and the emperor all in a breath was a freak of infatuation worthy of Don Quixote. The Commons rightly judged that the country could not afford to be governed by politicians of the Don Quixote order.

His tragic removal from the scene of his madcap exploits did not result in the amelioration that the Commons had promised themselves in their remonstrance to Charles. The surrender of the starving Rochellese, in spite of a third attempt under Lord Lindsey to succour them, rendered it probable that they would not again be asked in a hurry to grant away English treasure in support of such Quixotic enterprises. The war fever was beginning to abate even in Charles, and it had a decided antagonist in Weston, now Lord Treasurer, and destined as Earl of Portland to fill the duke's place as chief adviser. Diplomacy should take the place of ill-equipped and rashly led expeditions, and diplomacy would neither be so expensive nor so disgraceful as the braggadocio which had come to grief so disastrously at Cadiz and Rochelle. There was thus a prospect of calm weather for both king and Parliament. Nevertheless the portents of renewed storm were not wanting. If the murder of Buckingham had cleared the sky somewhat in the region of foreign policy, the Petition of Right had failed to sweep away the threatening thunderclouds that hung over England itself. In that short interval of six months the atmosphere became almost as electric as before. Questions of religion and of tonnage and poundage still remained to feed the elements of strife between king and subject. The Commons had declared the exaction of tonnage and poundage without consent of Parliament to be illegal, and many of the merchants accordingly refused to pay it in spite of Exchequer Court and Star Chamber prosecutions. The old hue and cry against impositions was raised once more, and Charles saw himself threatened not merely with the loss of a large part of the revenue of the crown, but with sheer impotence, apart from the goodwill of Parliament. He could not maintain a ship or raise a man without this goodwill, if, as the Commons contended and the merchants exemplified, the Petition of Right covered the hereditary revenue of the crown.

In these six months Charles had, too, succeeded only too

well in rasping the religious susceptibilities of the people. He showed as little tact and sympathy in dealing with the nation as with its representatives. For him both nation and Commons ought only to submit to be governed by a well-meaning monarch and be thankful. He could not possibly see that if he espoused the religious opinions of men like Laud, whose zeal for order and subordination in the Church as well as the State so powerfully appealed to his narrow mind, the nation had any right to complain and protest. A wiser man would have perceived that religious partisanship was as certain as forced loans to provoke both resentment and resistance, and would rather have made it his business to mediate or hold the balance between the two parties. Charles was unfortunately totally unfitted for such a rôle. His piety was unquestionable, but he made the mistake of thinking, with Laud, that his piety was the norm of that of other people, and would not be content to leave Puritans to be saved in their own narrow fashion. Moreover Puritanism, Calvinism was in his eyes an insubordinate religion, and this fact entirely overcast its moral worth. It must, therefore, be curbed, if possible suppressed, and in order to curb, suppress it, he deliberately pursued a partisan policy. He lavished patronage on the opponents of the Puritans, and he did his utmost to oust these Puritans from the government of the Church. He had deprived Abbot and placed his see in commission in October 1627. He now transferred Laud from the diocese of Bath and Wells to that of London, in place of Montaigne, who had licensed the sermons of his clerical champions and whom he made Archbishop of York. He made the notorious Montague, whom the Commons had censured, Bishop of Chichester. Still worse, he not only pardoned Mainwaring, but gave him the rich living which Montague had vacated. Promotion was reserved for those whose orthodoxy was certified by Laud, and no man on Laud's list, against whose name a P. was set, could hope for the recognition either of his zeal or his learning. Charles identified himself with an ecclesiastical party even more closely than his father had done. James had raged against Nonconformists. Charles was determined to make war on all the followers of Calvin, whether they conformed or not. For

him and his clerical mentors "predestination was the root of all Puritanism, and Puritanism the root of all rebellion" in both Church and State. Had he used his authority to secure toleration for those who differed from the Puritans in their interpretation of the Creed, his opposition to Puritan zealots, to whom Arminianism was equivalent to apostasy from Protestantism, would have been at least enlightened, if unpopular. His partisanship of Laud and his school made this opposition both unenlightened and unpopular, and resulted in a régime of intolerance and persecution in the Church which the narrowest Puritan like Prynne could hardly have outdone. It was futile to make a show of impartiality by officially suppressing the books of Mainwaring and Montague. These books were, as Rushworth points out, nearly all sold, and the aim of the proclamation was rather to prevent the replies of stout Puritan divines like Burton than to condemn High Church doctrines. It was equally useless to seek to frustrate Puritan rebellion against this partisan policy by enjoining acceptance of the Thirty-nine Articles without dissent in any particular whatsoever, prohibiting all doctrinal discussion in the pulpit or the press on pain of ecclesiastical censure, and restricting all consideration of religious questions to Convocation acting by the royal authority. In view of his exclusive patronage of High Churchmen like Laud and Montague, the deliverance was merely an injunction to submit in these matters to the domination of the Bishop of London. The Puritans, as the proceedings of the Commons were to prove, were by no means minded to give away the battle so cheaply.

The Commons consequently reassembled on the 20th January 1629 in a very querulous mood. Charles had in conference with the Privy Council arranged the tactics to be followed by his representatives and his supporters in the House. They were to forestall inconvenient questions as to the violation of the liberty of the subject during the recess by urging an immediate grant of tonnage and poundage. Such a grant, they were to represent, would put an end to all prosecutions for refusal to pay. If the House should justify such refusal on the ground that parliamentary sanction had not been given to the levy, they were to admit the right of

Parliament to grant it, but to contend that, pending such grant, the king was entitled to levy it as part of the hereditary revenue of the crown. If the House persisted, they should threaten dissolution.

This policy utterly failed to conjure the querulous mood of the House. What, to begin with, about the printing of the Petition of Right, with the answer which they had rejected as insufficient, and the speech with which his majesty had closed the session? Had not the Petition itself been violated by the imprisonment of merchants and the seizure of their goods for refusing to pay a tax not sanctioned by Parliament? Nay, had not the goods of a member, Mr Rolles, been seized by the customs officers for such refusal, and had not these presumptuous delinquents insolently asserted that they cared nothing for his privilege, and would do the same in like case to the whole Parliament? And most serious of all, had not religion been endangered by the promotion of Papists in the disguise of Arminians to the chief seats of authority in the Church? On the 24th, Charles himself tried to stanch this querulous spirit by a speech, in which he repeated what his representatives had been instructed to say. He formally admitted the right of Parliament to levy tonnage and poundage, and he had only taken what meanwhile he considered himself by precedent entitled to. Despite this personal appeal, the majority decided that the state of religion had a prior claim. The eternal interests of the subject, urged Mr Rous on the 26th January, are of more pressing importance than his earthly interests. Let them, therefore, have a care of the poison of Arminianism. And Arminianism, in Mr Rous' eyes, meant Romanism; its disciples were rank Papists. "An Arminian is the spawn of a Papist," cried he, "and if there come the warmth of court favour upon him, you shall see him turned into one of those frogs that arise out of the bottomless pit." "It is apparent to every man," said Mr Kirkton, "that new opinions are brought in by some of our Churchmen to disturb the peace that our Church was formerly in; the meaning of it can be no other than to bring in the Romish religion among us." Pym, who followed, on the resumption of the debate next day, was equally denunciatory of "the new Popery," and exhorted his

Calvinist brethren to stand by the Thirty-nine Articles and the Lambeth Articles as the unequivocal doctrine of the Church of England. He disputed the king's claim to restrict the consideration of religion to Convocation. To the Parliament, as representing the whole kingdom, belonged the right to establish true and punish false religion. Had not Parliament enacted laws for the trial of heretics?

Once on the track of heresy, the zeal of the Commons would brook no check, in spite of repeated messages from the king in favour of tonnage and poundage, and the orators continued to denounce the new Papists for several days. "We do not doubt the king's piety," said Eliot, "but he has given ear to evil ecclesiastical counsellors in this matter, and his declaration is meant to give them all the sway in the Church." Though he was careful to limit the right of Parliament to legislation in support of the established Creed, he believed, like Rous and Pym, that the Arminian party were the champions of Popery. "It is not," contended he, "in the Houses of Parliament to make a new religion, but it is the duty of Parliament to confirm the religion we have, because it is true." Let them, therefore, defend the old Creed as their fathers received it. As usual, he carried the House with him, and on the 29th the Commons agreed to profess in a formal resolution the Creed as established by Parliament in Elizabeth's reign, and to reject the doctrines of the Jesuits and the Arminians.

Undoubtedly a great deal of this impassioned oratory shows more zeal than knowledge. To identify Arminianism with Popery was pure rant. Arminianism was not necessarily a Papist doctrine; it was a perfectly reasonable reaction against the ultra-dogmatism of Protestantism in its Calvinist form. Nor were the High Churchmen whom Charles patronised, and who favoured a more elaborate ceremonial in worship, Papists in disguise. Laud's controversy with Fisher is sufficient to prove that the Bishop of London, though a stickler for ceremonial and order and a bitter enemy of Puritan simplicity and dogmatism, was as far removed from Popery in some essential points as Pym or Eliot. Pym's contention that Parliament had the right to legislate against heresy as well as confirm the Creed was a most dangerous doctrine to that liberty which the orators apostrophised so passionately in

their speeches. They had a right to protest against the royal patronage of men who were so intolerant of Puritans and their views. They were themselves going a dangerous length in the wake of the Inquisition in setting up a claim to lay down an absolute law on matters of religious opinion and in branding their opponents as Papists, because they might question predestination as taught by Calvin, and insist, *inter alia*, on calling the communion table an altar. Unfortunately, their opponents were not a whit more tolerant or enlightened in the maintenance of the particular nostrums which they equally mistook for essentials of the faith. And it must not be forgotten that some of their practices, or "innovations," as stout Puritans called them, were borrowed from a ceremonial which the Reformers had condemned as unscriptural or popish. To those to whom the word of the Reformers was law, their genuflexions and other formalities were rank superstition—Judaic-Romish aberrations from the simplicity of Gospel truth.

The Commons strove to put in operation the inquisitorial powers which they claimed by raking up evidence in support of charges of Popery and heterodoxy against obnoxious clerics like Neile, formerly Bishop of Lincoln and now of Winchester, Montague, Mainwaring, and Cosins, a High Church zealot who was disturbing the peace of the people of Durham by his innovations. The prosecutions in the Star Chamber for refusing tonnage and poundage and other impositions aggravated the friction. The aggrieved merchants had attempted to recover the goods seized for refusal to pay by a writ of replevin. They were baulked by the Court of Excheqer, which decreed that goods so seized should not be given up. The Attorney-General even ventured to summon Mr Rolles before the Star Chamber, and though he explained that he had made a mistake, the House chose to interpret it as a deliberate affront, a device to draw them off the scent of Arminianism. They might have put an end both to the controversy and to the action of the Court of Exchequer and the Star Chamber by passing a Bill of Tonnage and Poundage, as May, Edmondes, and other court members urged. They might, added Noy, insert a clause nullifying the king's right to prosecute before a grant had

been made. But the majority held that the Petition of Right had been violated, and were determined to know the reason why. In their anger they sent the Sheriff of London to the Tower for prevaricating in his answers to questions as to the seizure of the goods of recusant merchants, requested the judges of the Exchequer to restore their property, and summoned the customs officers to their bar. The Exchequer judges refused, and the customs officers adduced their commission under the Great Seal, which directed them to levy all duties collected in the time of King James, in justification of their action. Even privilege of Parliament, as in the case of Mr Rolles, argued the court members, could not save the recusant from paying revenue duties. This was stoutly contested by Mr Littleton, but the question of privilege apart, there was not a syllable in the officers' warrant, retorted Mr Noy, empowering them to proceed to the seizure of goods against which the merchants had appealed. The House could thus vindicate Mr Rolles' privilege as well as put a stop to the proceedings against the merchants without coming into direct conflict with the king. The officers, on the testimony of their own warrants, had exceeded their powers, and should therefore be condignly punished.

At this juncture Charles intervened. After consultation with the Council on the 22nd February he directed Secretary Coke to inform the House that the officers had acted by his command. To punish them would, therefore, be to strike at the king himself. Accordingly on the following day, after Eliot had professed his confidence in the justice of the king, and had renewed the demand for punishment, Coke rose "to speak plain," as he put it. "His majesty," said he, "commanded me to tell you that it concerns him in high degree of justice and honour that truth be not concealed; which is, that what they did was by his own direct orders and command, or by the order of the Council board, his majesty being present, and therefore would not have it divided from his act." This was honest at least, and it put the Commons in a serious dilemma. A Henry the Eighth in such a contingency would have coolly sacrificed his officials, and thereby ingratiated himself with his Parliament. Not so the conscientious Charles. His servants should not suffer for doing his will

even if the Commons should refuse to pass the Tonnage and Poundage Bill. It was chivalrous, but it was impolitic. In championing his officers he should at least have waived his claim to take tonnage and poundage without consent of Parliament. He would have made his government both more efficacious and more popular by yielding on points on which it was evident that the Commons were actuated not by factious opposition, but by a desire to safeguard the right of the subject. His dogged refusal was followed by another breach between crown and Parliament which was never to be closed.

In the face of this deliverance the House hesitated. Amid loud cries of adjourn it resolved, in reference to Rolles' case, that every member ought to have privilege of person and goods, but, "the command of his majesty being so high," it should defer further consideration of the subject, and adjourned till the 25th. On that day Charles intervened with a further adjournment till the 2nd March, and on that memorable 2nd of March took place the wildest scene ever witnessed as yet in the House of Commons. The Commons knew that they were on the brink of a dissolution, and they made haste to record their testimony against Arminianism and arbitrary taxation in the form of tonnage and poundage, in spite of the obstruction of the court party and its instrument the Speaker. Charles had resolved to thwart their intention with another adjournment to the 10th March, and had directed the Speaker accordingly. When, therefore, Eliot began to speak in support of a declaration to this purport, Finch interposed. "I have been commanded," said he, "to adjourn the House till Tuesday sevennight." He then put the question. "No, no," shouted a chorus of indignant voices. It was their privilege to adjourn themselves. Eliot again attempted to speak, and again the Speaker adduced the command to adjourn. "I am commanded," said he, rising from his seat, "by his majesty instantly to leave the chair." Whereupon Hollis and Valentine, who had placed themselves on either side of him, seized each an arm and pushed him back into his seat. May, Edmondes, and other members of the court party sprang forward to the rescue, and a regular scuffle ensued. Again

Finch rose, to be again pressed back by his two sturdy guards. "God's wounds," cried Hollis, "you shall sit till we please to rise." Once more Eliot rose and claimed the right to be heard, and threw his declaration into the excited crowd in front. "Read," shouted Hollis. "Read," repeated his angry adherents in the struggling crowd around the chair. "No, no," yelled their opponents. At this the excitable Coryton lost all self-control and struck one of these protesters a violent blow. More than one bellicose disputant clutched his sword hilt, and fearing a pitched battle the more timid members made for the door. It was promptly locked by Sir Miles Hobart, who put the key in his pocket and refused egress even to the Sergeant-at-Arms whom Charles summoned with the mace. Still the Speaker protested the command of his majesty, and neither threats, nor reproaches, nor reasonings could move him. The House might call him to the bar, as Eliot threatened, but he dare not disobey the king's express command. "I will not say I will not, but I must say I dare not." Finally Eliot gave it up as hopeless, and, whilst Finch was awed by his sentries into crestfallen passivity, passionately thundered forth what was to be his last speech in Parliament. His voice hushed the recriminations of the disputants into silence. In passionate language he attacked both Arminianism and Popery. He made the mistake of identifying the two once more, and abjured his hearers to resist this sinister faction to the death. "Not to confess and not to endeavour to prevent it were to be conscious and partners of the crime . . . guilty of the breach and violation of all duty, our duty towards God, our duty to the king, our duty to our country." And who, more particularly, were those Jesuits in disguise? The Bishop of Winchester and the Lord Treasurer, who was but building on the foundation laid by his old master, the Duke of Buckingham. These men and their fellows were working for their just reward. And what was that reward? "Whoever," cried the orator prophetically, "have occasioned these public breaches in Parliaments for their private interests and respects, the felicity has not lasted to a perpetuity of that power. None have gone about to break Parliaments, but in the end Parliaments have broken them. The examples of all ages" (in England, he should have added) "confirm it. The

fates in that hold correspondency with justice. No man was ever blasted in this House, but a curse fell upon him." These illegal exactions, he concluded, are merely a device of the Treasurer to ruin trade, and the ruin of trade will surely lead to conquest and invasion. "It will lay waste our walls, those wooden walls, our ships, that both fortify and enrich us." In other words, England will speedily be at the mercy of France and Spain.

There was both exaggeration and misrepresentation in this speech, and Weston's son indignantly rebutted the aspersions cast on his father. But it made a tremendous impression. Again the cry of "Read," "Read," burst from many lips. Still the Speaker was immovable, in spite of Selden's reprimands and Heyman's reproaches, and the clerk would not read. The uproar continued, and Eliot in disgust had meanwhile thrown his declaration into the fire. Anon above the din the knock of Black Rod thundered on the locked door. Charles had besides summoned his guard to force an entrance. In this emergency, Hollis, constituting himself Speaker, improvised three resolutions, the substance of what he remembered of the burned declaration. They briefly declared all who favoured Popery or Arminianism, advised or had any part in the taking of tonnage and poundage without consent of Parliament, or paid such duties without this consent, "capital enemies of this kingdom and commonwealth." Loud shouts of "Ay," "Ay," proclaimed the adherence of the majority; the key was turned in the lock, and the members rushed from the hall for the last time for eleven years to come. Before the formal dissolution on the 10th, Eliot and Selden and their chief abettors, to whom Charles referred in his dissolution speech as "vipers," had been cited before the Privy Council and sent to the Tower or other prisons.

It was a resentful act. That the king assumed a right to order an adjournment, for the purpose of preventing an unwelcome discussion, was a grave breach of the right of free speech in Parliament, and Eliot was perfectly justified in attempting to vindicate this right. He did not object to the adjournment in itself. All he claimed was the right to read his declaration and take the sense of the House on it before

the Speaker carried out the royal command. The declaration might be, and indeed was, the outcome of a misrepresentation of the facts—the fruit of confusion, intolerance, ignorance. But Eliot had a perfect right to test the mind of the House on it. For the Speaker to refuse to do the will of the majority, who supported Eliot, was to make himself the mere tool of the king instead of the elected president of the House. The rowdyism which ensued was no conspiracy to thwart the king, but a regrettable incident of the situation. Substantially, therefore, the contention of the majority was defensible in the interest of free discussion and parliamentary independence, though their conduct was unseemly and their bigotry unenlightened. Charles, however, saw in their action evidence of a treasonable conspiracy and high contempt of his authority. He did not pause to ask whether his partisanship of an ecclesiastical party, as well as his proneness to high-handed tactics in exacting taxes not sanctioned by Parliament, was not responsible for the explosion. He was determined to be avenged, especially on Eliot, who as a Member of Parliament had declined the right of the Privy Council to call him to account for his conduct, and he asked the judges whether in the circumstances he was entitled to prosecute the offenders for treasonable conspiracy and contemptuous slander. It was not the first time during the last quarter of a century that the judges were expected to answer in order to please the king, and since the dismissal first of Coke and then of Crewe for their independence of court control, men like Hyde were not likely to be staunch champions either of the privileges of Parliament or the liberty of the subject as against the king. In answer to Attorney-General Heath's question they replied, after some hesitation, that in the case specified the accused could not justly plead privilege of Parliament. A Member of Parliament, they contended, might, after the close of the session, be prosecuted if he committed such an offence against the king as that charged against the accused. A conspiracy "to raise false slanders and rumours" against Privy Councillors with intent to blast them and incite the hatred of the people against them, and bring the Government into contempt, was, they held, punishable by court of law (25th and 28th April). The prisoners might allege that they were only performing a

public duty, but in those days to perform a public duty was often a risky thing, and they must now reckon with the fact that, if the majority of the Commons had appreciated their public spirit, it was rank sedition in the eyes of the king and the judges. So little of the spirit of a Coke was left in these invertebrate dignitaries of the law that they even submitted to the royal tactics for the purpose of evading bringing them up for bail as long as possible, and then refused it in deference to the royal wish. With such judges the result was a foregone conclusion. Tried on the charge of conspiracy, calumny, and assault, Eliot, Hollis, and Valentine were found guilty, in spite of their disclaimer of jurisdiction, fined and imprisoned, and debarred from release without an acknowledgment of their guilt (27th January 1630). It was reserved for Eliot to feel the unrelenting rigour of his persecutors. He lingered on for nearly two years in the Tower, and on the 27th November 1632 fell a victim to consumption in the forty-third year of his age.

Parliament was not omnipotent, can never be absolutely omnipotent to do wrong, for instance, and at this period its powers were by no means defined beyond question. The king still claimed to be supreme in the State, and this despite the will of Parliament, if that will conflicted with his. But leaving these contentious points aside, the plain question was whether a member in the discharge of his public duty was to have the liberty of expressing his convictions for what he considered the good of the State, even if the Speaker should adduce the royal command to the contrary. Suppose Eliot were wrong as to his facts, suppose even that his convictions were not really for the benefit of the State, why should he be prevented from insisting on a hearing, even if this should displease the king? If what he averred against the Bishop of Winchester and the Treasurer were false, it could be disproved in the course of the impeachment before the Lords, and Eliot and his fellow-accusers shown to be in the wrong. Their declaration would not undo the accused if they had right on their side. How often might it occur to the king to interpose his authority to baulk unwelcome discussion? How often had he tried to do so already to the detriment of the commonwealth? To grant him this arbitrary right was really to

condemn Parliament to do nothing that might not commend itself to his wisdom, and thus reduce it to slavery.

Eliot had been one of the boldest champions of the right of impeachment, by which the Commons could control the actions of ministers, in addition to the right to vote taxes, by which they could at critical emergencies control the policy of the king. The career of Buckingham had conclusively proved how necessary and salutary was the exercise of this right. The infatuation of James and Charles in patronising quack statesmen of this type had strengthened the determination of the Commons to protect the country from being the victim of such quackery, and this infatuation was the real secret of the revolt of the majority of the Commons on that memorable 2nd of March. To them, Charles, in continuing to be guided by men who advocated an objectionable policy in the Church and were ready to levy taxes without consent of Parliament, was only going further on that fatal path that had brought the country to disgrace and Buckingham to an untimely grave. In taking his stand against this policy, Eliot believed that he was obeying the voice both of conscience and patriotism. He might be narrow and unenlightened in his religious views and prone to allow himself to be carried away by the impulses of his high soul and the surge of his splendid rhetoric. He was, for all that, the man that England could ill spare in such a crisis of her history, the strong battler for the power as well as the rights of Parliament. To him Parliament was the incorporate wisdom of the nation, and to its wisdom divine right, prerogative must submit. Its wisdom might not always be beyond question, but in view of recent history, it was far more likely in general to do what was best for the nation than an opinionated king, or a brilliant, but madcap favourite. It was essential that it should have a will of its own to counteract the will of the king and his ministers, if it deemed it necessary for the interest of the country to do so. If it was the advocate of intolerance, so was Charles, so was Laud on their side of the religious question. It is, in fact, useless as yet to look for toleration, though the logic of fact was beginning to force the question on even Puritan minds like those of a Cromwell or a Selden.

Herein lies the title of Eliot to the gratitude of posterity. The man who went to the Tower for his faith in Parliament and his opposition to prerogative, the man who in the Tower languished out his last years of misery, was, though not without qualification, the champion and the martyr of political, if not of intellectual or religious progress. He and his adherents had taken a mighty step forward in the direction of making Parliament what it was ultimately to become. If they had also seen that Parliament, too, must change with its own advance, they would have come nearer anticipating the future than they did. If Parliament was really to represent the nation, whether in conflict or in harmony with the king, it must cease to be merely an upper and middle class oligarchy.

The prosecution of Eliot showed that Charles was resolved to be master of the realm. He had struck down the protagonist of Parliament and would never again, unless driven by direst necessity, give Parliament a chance of disputing his will. He would practically ignore all that it had contended for since 1621. There should be no more impeachments, no more assertions of the right to control his policy, no more invasions of his prerogative. Subsidies might be desirable, but with an inventive Treasurer, he would learn to do without them. He would, in fact, rule both Church and State as he pleased. And if the subject should protest through the law courts, the trial of Eliot and his fellow-prisoners had shown that he could rely on subservient judges to prove him at all costs in the right. England ceased for eleven years to be a parliamentary monarchy.

He was still concerned about the restoration of the Palatinate, and negotiated and intrigued for the interests of his sister and his brother-in-law, but he did not go further in active co-operation than to allow Hamilton to help Gustavus Adolphus, who had taken Christian's place as champion of German Protestantism, with a force of English and Scottish volunteers. The death of Frederick a few days after that of Gustavus himself at Lützen relieved him from further serious worry about the matter. He championed the cause of his nephew, as he had done that of his brother-in-law, but if he refused to risk the summoning of Parliament for the sake of

the brother-in-law, he would not countenance such an idea for the sake of the nephew.

Parliament being dismissed indefinitely, it was impossible to carry on a treble war, and Charles had no longer the keenness of his earlier days to spur him on in the pursuit of an impossible policy. Little more than a month after the dissolution he concluded peace with France (14th April 1629). Eighteen months later he came to terms with Spain (November 1630). Christian of Denmark had already relieved him from his subsidy obligations, which he had fulfilled so miserably, by the Peace of Lübeck (May 1629). The war had left him, indeed, over head and ears in debt, but Weston's ingenuity in exacting fines for the transgression of an obsolete law, which rendered the owners of estates worth £40 a year liable to knighthood, and which his subservient judges declared still in force, brought in a large sum. Tonnage and poundage and monopolies augmented this extraordinary revenue, and as trade revived on the conclusion of the war, the exchequer was soon fairly full, and the experiment of governing without Parliament promised to be highly successful.

The lawyers and country gentlemen who had done such stout battle for the rights and the power of Parliament were, therefore, deprived of the chance of renewing the battle on the score of the royal impecuniosity. Some of the lawyers bowed to the inevitable, and took what preferment they could screw out of the royal favour. Men like Noy, who became Attorney-General in succession to Heath,—raised to the Chief Justiceship of the Common Pleas,—and Littleton, who became Recorder of London, forsook a hopeless cause and followed Wentworth in quest of office. The spirit of Eliot seemed to have disappeared with him in his prison, and if Laud had not rasped the Puritan conscience by his innovations, there would have been little trace of the fierce contentions of the first years of the reign left in the land. Laud might even have continued his domineering tactics without serious mishap to Charles or himself, if Charles could have permanently kept the peace with his neighbours. Wentworth, now a Privy Councillor, ruled with a firm hand in the North, where insubordination and revolt had often been a danger to the throne, until he was transferred to a wider sphere as Lord Deputy of Ireland

(1633). Weston, now Earl of Portland, continued to furnish a working revenue.

Unfortunately, Charles found it impossible to maintain the peace policy on which the permanent success of his personal government depended. Richelieu's policy of aggrandising France at the expense of both the Emperor and the King of Spain led to an alliance between France and Holland for the partition of the Spanish Netherlands. Charles saw in this combination a menace to English interests, and as the result of interminable intrigue and negotiation, he drifted in 1635 into an alliance with Spain and into hostilities with the Dutch. To maintain a strong fleet in the face of the growing naval strength of France and Holland was in any case a patriotic necessity. The wisdom of plunging into a naval conflict to prevent the Dutch from driving, with French assistance, their hereditary foe out of the Netherlands was far less apparent. The recent sorry achievements of English admirals might have warned Charles to beware of risking their repetition, and they certainly did not tend to make the nation submit patiently to increased taxation. Charles, however, was incapable of profiting by the lessons of experience to eschew a course that was likely to rekindle the nation's antagonism. Was he not "the sovereign of the seas," and had not the Dutch encroached on his prerogative to rule the Channel and the North Sea by the insolent assumption that they had as good a right to fish and navigate these waters as their would-be overlord? He would teach them better manners, and in order to be able to do so, his subjects must furnish a fleet worthy of his sovereignty of the seas, though they were kept in the dark as to the use to be made of it. To this end Noy suggested a levy of ship money from the coast towns, and the prosecution of all who had contravened the old forest laws. Large fines were accordingly exacted from unlucky land-owners whose ancestors had either helped themselves or had received grants of land from the royal forests. Writs of ship money were directed to the coast towns (October 1634), and these writs enjoined them to furnish ships for the king's service, and assess the inhabitants for their equipment and maintenance on pain of imprisonment for refusal. The object of the levy was said to be for the repression of pirates and in

defence of the kingdom, and as Charles appeared to be acting within his legal rights, the towns, with the exception of London, submitted without demur. Very different was the reception accorded to the device of the Council in the following August (1635), extending the decree to counties and inland towns as well. The argument in favour of this extension sounded plausible enough. "As all are concerned in the mutual defence of one another . . . all might put to their helping hands for the making of such preparations as may secure this realm against those dangers and extremities which have distressed other nations and are the common effects of war whensoever it taketh a people unprepared, and therefore . . . his majesty doubteth not of the readiness of all his subjects to contribute hereunto with cheerfulness and alacrity."

That all were bound to defend the country in circumstances of danger was indeed a self-evident proposition. It was not so evident that the country was in danger, and even if its safety had been so gravely menaced as Lord Keeper Coventry in an alarmist speech to the judges, in the preceding June, sought to make out, it was still less evident that the king might, therefore, levy a tax on the whole nation at the mere fiat of his will. The conviction was widespread that if any danger existed it was of the king's making, and that he had only to desist from pressing an imprudent policy to avoid it. The Lord Keeper's alarmist speech failed to work the nation into a nervous fever. The nation saw in the device merely an attempt to enable the king to continue to rule it without the co-operation of its parliamentary representatives. There was a general disinclination, and in many parts a flat refusal to pay. "In all my life," wrote Sir Simmonds D'Ewes, "I never saw so many sad faces in England as this new taxation called ship money occasioned; nay, the grief and astonishment of most men's hearts broke out into sad and doleful complaints, not only under the burden they felt at the instant, but with ominous presage of the issue; for many refused absolutely to pay, and most that did pay it yielded out of mere fear and harm of greater danger."

Both the disinclination and the refusal to pay were amply justified. Relatively the sum asked was not exorbitant and

the immunity from parliamentary subsidies might fairly be taken as compensation for the amount levied on each county. It was not the hardship but the principle of the tax that made many give grudgingly or refuse to give at all. If the king has the right to tax his subjects on a plea of this kind, what, asked men like D'Ewes or Lord Saye, becomes of the right of the subject to be taxed only by common consent? Grant that the demand is moderate, what is to hinder his majesty from taking, on this plea, everything that we possess? Where is the guarantee of the legal protection of our property if Magna Charta and the Petition of Right may be ignored in any emergency which it may please the king to invent? Once more, therefore, the appeal to the fundamental laws of England was heard throughout the land. Despite this appeal, Charles ventured on a third levy of ship money in October 1636. To weaken resistance, he determined to get an acknowledgment of the legality of his action from the judges (February 1637). He asked them firstly, whether, when the whole kingdom was in danger, he might issue these objectionable writs and by law compel obedience in case of disobedience, and secondly, whether he were not the sole judge of such danger. Ten out of the twelve judges did as they were expected; they answered the double question in the affirmative. The protesters, nevertheless, stuck to their appeal to the laws. "This tax of ship money," we read in one of their remonstrances to the king, "is directly contrary to the fundamental laws and liberties of your realm of England, which your majesty, both in point of justice and honour, is obliged inviolably to preserve according to the oath made to God and your subjects at your coronation and your frequent printed royal protestations since." They quoted chapter and verse from the statute book to emphasise this proposition.

It was his majesty's fond belief, notwithstanding, that he was not, in the exercise of his royal judgment, amenable to the statute book, and what was more, some of the judges did not scruple to declare it plainly in his name. "There was a rule of law," retorted Sir R. Berkeley, judge of the King's Bench, to Richard Chambers, one of the most fearless of these protesters, who had already signalised his staunch opposition to tonnage and poundage, "and a rule of government, and many things

which might not be done by the rule of law might be done by the rule of government." In other words, Charles might impose on his royal actions as little legal restraint as he pleased. The time was, however, long past for such a doctrine to pass unchallenged, with a Petition of Right to appeal to, and the wretched performances of the fleet which Charles equipped and maintained, in defiance of the appeal to law, did not tend to make his illegal action more popular. Not only did his foreign policy vacillate from month to month; not only was it uncertain to himself as well as to the nation what he really meant to accomplish by this great armament aimlessly sailing about the Channel and the North Sea. Despite all the magniloquent talk of the sovereignty of the seas, his admirals only made the burden more galling by their ridiculous attempts to cover themselves with glory. During the summer of 1635 Lord Lindsey, indeed, paraded the Channel and the North Sea in heroic mood, but at the end of his portentous cruise he had only succeeded in capturing one Dutch man-of-war and compelling a number of merchant vessels of various nationality to dip their flags in token of the English supremacy of the seas. The second writ of ship money enabled the new admiral, the Earl of Northumberland, to demonstrate with equal heroism, during the following summer, on the French coast, in the Channel, and in the North Sea, capture a stray Dutch privateer, and compel a Dutch herring fleet, which ventured to fish off the east coast of England and Scotland, to pay a few shillings of tribute per head to his sovereign. In virtue of the third writ of ship money, he repeated these high exploits in the summer of 1637. The sovereignty of the seas, which Charles made such exertions to vindicate, was evidently a very cheap honour, and even from the point of view of practical results, was not likely to commend itself to Englishmen as a pretext for exacting an unjustifiable tax. If Charles might thereby maintain a fleet to make Englishmen ridiculous in the eyes of their neighbours, might he not equally plausibly thereby maintain an army to crush their liberties by means of a military despotism? So thought Charles' autocratic, energetic Lord Deputy of Ireland, to whom he now turned for guidance in matters of foreign policy. Wentworth told him that he had as good a right to

exact such taxes for the payment of an army as for the payment of a navy, that army to be used, of course, only to impose on the nation Charles' and Wentworth's beneficent intentions.

It was the perception of this truth that steeled others who had worked with Wentworth in Parliament, in opposition to royal despotism, to resist in spite of the decision of the judges. Among these champions of legal rights *versus* illegal government John Hampden was one of the staunchest. Hampden, a Buckinghamshire proprietor, refused to pay the twenty shillings for which he was assessed, and determined to test the legality of the charge. His case was accordingly tried before the twelve judges in the Exchequer Chamber in November-December 1637. Oliver St John, one of Hampden's two counsel, who spoke first, admitted that all were bound to share in the defence of the kingdom in circumstances of danger, and that it was the right and duty of the king to take measures to this end. It was not a question of the king's right to defend, but of the mode in which he sought to exercise it. He could only exercise it through Parliament, because he could only raise such taxes by means of Parliament. He must, moreover, respect the rights of property, and his claim thus to tax was incompatible with these rights. Parliament alone could safely be entrusted with the exercise of this right. If the danger were such that it was impossible to summon Parliament, he might act for the time being in virtue of the necessity of saving the commonwealth from destruction. But, ordinarily and in the case in point, this objection could not hold. These contentions he supported with elaborate legal erudition and much logical force.

It is not a question of property, contended Littleton, now Solicitor-General, in reply, but a question of paying a tax for a great national end. It is, in fact, a question of necessity, and the levying of the tax, far from endangering the property of the subject, in reality confirms his possession. It would be an ill day for England if, in circumstances of extreme danger, there should be no salvation except in Parliament. On this point of necessity the Solicitor-General accordingly proceeded to enlarge in an alarmist style that deceived nobody, and to draw on his stores of legal learning as a set-off to those of St John.

It was not difficult for Mr Holborne, Hampden's second counsel, to show in reply that this was no such case of necessity, in spite of interruptions from the Chief Justice Finch. He not only denied that the kingdom was in such danger, but he quoted from the writ to prove that there was no mention at all of any *instant* danger. The fleet was only, in fact, to be ready fully two hundred days after the issue of the writ. Where then was the necessity of ignoring Parliament and taxing the lieges at will? He denied, too, *in toto* that the king could dispense with Parliament in this matter, even if he judged the kingdom in extreme danger. In case of a sudden invasion necessity was the chief law, and the law of the land recognised this by empowering the subject, as well as the king, to do whatever he considered necessary for the safety of the State. In all other cases the king has no more right to tax than what the law allows him.

In reply to this and much more in the same strain, the Attorney-General Bankes appealed to the absolute power inherent in the king, who is not limited as to its exercise by Parliament. Practically Parliament had no right to interfere or the people to complain of whatever use the king, in his supreme discretion, should make of the royal authority. It is the part of the subject, he concluded, to obey the king and ask no questions. However antagonistic to the constitution such reasoning, the Attorney-General had no difficulty in quoting many precedents that seemed to prove Charles in the right and Hampden in the wrong. Needless to say, his reasoning was that of the advocate, not of the constitutional historian, and while it might convince a majority of the judges, it could convince neither the constitutional historian nor the taxpayer. Seven of these judges, including Finch, Chief Justice of the Common Pleas, accordingly voted for Charles, five for Hampden. Needless to say, too, the vast majority of the taxpayers were on the side of the minority, and the arguments of Bankes and of Finch, who, in giving his decision, reiterated even more strongly the absolute right of the king as against the Parliament, did not tend to make the further levy of ship money less obnoxious. Absolutist doctrines were no longer championed merely by a faction of sycophant divines; they were professed by the Attorney-General and the Chief Justice

themselves. Charles had attained the maximum of his royal self-consciousness. Parliament had reached the nadir of its humiliation and impotence. "Those foundations of right, by which men valued their security," says even Clarendon, ". . . were never more in danger to be destroyed."

The irritation at arbitrary taxation was intensified by the crusade against Calvinism and Puritan nonconformity in the Church. Laud's influence was increased by his election as Chancellor of Oxford in 1630, and when, three years later, he replaced Abbot as Archbishop of Canterbury, the High Church reaction threatened to sweep Puritanism from the land. The archbishop professed toleration in his own autocratic fashion, and sometimes rebuked the more extreme and indiscreet of his disciples, but while prepared to acknowledge the Roman communion as a Christian Church, he would not allow the Puritans to object to his own interpretation of the Articles, or dissent from observances which they regarded as popish and anti-Christian. He carried out a systematic crusade against the lecturers of his diocese who inculcated Calvinism on the Sunday afternoons, and whose liberty of utterance was subjected to a series of strict regulations. For the repression of dissent he had the powers of the Star Chamber and the High Commission at his disposal, and he did not scruple to make very ample use of them, as obstructive dissenters like Prynne, Bastwick, Burton found to their cost. Even under his Calvinist predecessor his influence had made itself felt in the Star Chamber in favour of severity. One of these early victims of his severity was Alexander Leighton, father of the future Archbishop of Glasgow, a graduate of St Andrews University, a doctor of medicine of Leyden, a theologian of no mean acquirements, a preacher of some note, and one of the most notorious pamphleteers of the day. Leighton was, at least, courageous. He believed that it was his mission, Scotsman and Presbyterian though he was, to proclaim to the English nation that its Episcopal establishment was root and branch anti-Christian. This he did in a philippic (1629) entitled "Sion's Plea against the Prelacy." The assurance of the doughty Scot is in truth most extraordinary. Episcopacy, he does not hesitate to assert, "cannot consist in a nation with soundness of doctrine and

sinceritie of God's worship, holiness of life, the glorious power of Christ's government, nor with the prosperitie and safetie of the Commonwealth." To make himself more emphatic, he underlines some of these terms, more especially *soundness of doctrine* and *the safety of the commonwealth.* The hierarchy, it seems, has been the cause of all the bloodshed, foreign and domestic, which has desolated the commonwealth since the year of our Lord 600, and if it be not abolished in favour of the Presbyterian system, our audacious scribe sees no hope of peace and prosperity for the future. If only Parliament will smite down this infernal hierarchy, then the millennium will come, that is to say, "a glorious prosperity shall rest upon Zion's king, state, and commonwealth." Such propositions Leighton proceeds to prove with all the argumentative power of his countrymen, and with no little learning. It would be waste of time to follow him. We have outlived such extravagances, and can only marvel that any "canny" Scot could so far belie his native sagacity as to endanger his liberty and his ears by ventilating such audacities south of the Border in the age of Laud. The only admirable thing is that he had the courage to sacrifice his liberty and his ears rather than stifle his conscience. He had, at all events, the satisfaction of having his ears cropped and his nose slit, in addition to being condemned to pay a fine of £10,000 for his pains. The ecclesiastical members of the Court of Star Chamber were all the keener for his punishment inasmuch as he managed, in spite of his extravagant reasonings, to make an occasional hit. There were discrepancies of view among the leaders of the High Church party, and to quote one against another was very provoking. Most aggravating, too, to be asked whether, in spite of the claim that Episcopacy was by divine right, they did not derive their Episcopal authority from the king.

The repression of such a book, which struck right at the root of the Episcopal system, was defensible on grounds of self-preservation, if the barbarous punishment of its author appears to us altogether detestable. This could hardly be said for the equally barbarous treatment of a Puritan moralist like Prynne, who wrote a ponderous volume against the stage, and was otherwise obnoxious for his Puritan opposition to High Church practices. His Oxford scholarship and his legal

training did not prevent him from wandering into the wildest denunciations of such iniquities as dancing and acting. His onslaught on the histrionic and terpsichorean arts might partly be explained by the low condition of the stage and the license of the age. A scourge was sorely needed, but in "Histriomastix, or The Scourge of Players" (1632), Prynne's morbid fancy fairly raved at large. He not only denounced the stage and its votaries in the most violent terms, but inveighed in equally fierce style against magistrates and princes who winked at or patronised the monstrous evil. The Attorney-General could easily pick out of this ponderous fulmination passages to prove its author guilty of aspersing everybody, from the king and the queen downwards, who danced or went to the theatre. They were helping the devil to do his work, were in fact children of the devil, since stage-playing and dancing were originally the devil's inventions. Mr Prynne in his frenzy saw the devil at work in every form of amusement that offended his Puritan soul. There was not a little justification for his sagacity, considering the deplorable morals both of plays and players in those days. But to identify Charles with Nero and the queen with Herodias, by implication at least, if not directly, was really too wild. For talking thus wildly his ponderous production, which few could have had the patience to read, was adjudged libellous, scandalous, and seditious, and its author sentenced in the Court of Star Chamber to a fine of £5,000, imprisonment for life, expulsion from Lincoln's Inn, and the cropping of both his ears in the pillory (February 1634). Such ranters were doubtless a nuisance then, as they would be now, but in our days we are content to laugh at their eccentricities, and we should never think of punishing such eccentric persons by sending them to prison and cropping their ears. In this respect Laud and his fellow-judges were as misguided as the laughable victims of their cruelty and enmity.

Men like Leighton and Prynne, rabid and eccentric though they were, had many supporters. Men like Laud could not see that persecution was the best means of increasing their number. And they did not merely strike at extremists, who challenged persecution in this provocative fashion and might fairly expect to take the consequences. They struck at all

who had conscientious objections to Laud's High Churchism, and would not submit to his policy of uniformity. It might be true, as Laud asserted, that unity in the Church could not long continue if uniformity was shut out at the Church door. A certain uniformity is necessary to the existence of a great corporation like the Church of England. Where he erred was in thinking that unity could be maintained by persecution, and that his idea of uniformity was the essential one. Only a zealot could expect the Puritans to accept doctrines and practices which they held to be both unscriptural and illegal. To force the stauncher sort of these Puritans into line with himself was the surest way to breed dissension and aggravate disunity. It was the application of this policy that drove men like John Winthrop to follow the Pilgrim Fathers of "The Mayflower" across the Atlantic, in order that they might worship God in their own Puritan fashion. It was the application of this policy that brought upon those who preferred to stay at home fine and imprisonment by the Star Chamber or High Commission for refusing to conform to the Laudian innovations.

Laud's elevation to the highest post in the Church intensified the spirit of persecution. King James' shrewdness would hardly have misled him so far as to intrust supremacy to one whose very nature it was, equally with the narrowest Puritan, to foment strife over things religious. King Charles was in this respect as purblind and self-sufficient as in more mundane matters. Because Laud agreed with his policy of unquestioning obedience in Church as in State, he was, therefore, the best man to fill the vacant archbishopric. There was no thought of the impolicy of such an appointment. "My Lord's Grace of Canterbury," said Charles radiantly to the Bishop of London, on hearing the news of Abbot's death, "you are very welcome." Whether he was as welcome to the nation at large was a question which it never occurred to him to ask. Whatever his majesty did must, *ipso facto*, be welcome to the nation, since it was impossible for his majesty to do wrong. It was an infatuated conclusion, but it was shared to the full by "My Lord's Grace of Canterbury," who was as convinced of the wisdom of imposing his will on the Church as a Hildebrand himself, though so unlike a Hildebrand in his

exaltation of the royal authority, and as impatient of opposition as the narrowest Puritan doctrinaire. Even Clarendon admits his proneness to see in every one who differed from him not merely a personal enemy, but an enemy of religion as he conceived it. He could as little understand or make allowance for conscientious opposition as the more extreme of his Calvinist opponents. "When he came into great authority, it may be, he retained too keen a memory of those who had so unjustly and uncharitably persecuted him before, and I doubt not was so far transported with the same passions he had reason to complain of in his adversaries, that, as they accused him of Popery because he had some doctrinal opinions which they liked not, though they were nothing allied to Popery; so he entertained too much prejudice to some persons, as if they were enemies to the discipline of the Church, because they concurred with Calvin in some doctrinal points; when they abhorred his discipline and reverenced the government of the Church and prayed for the peace of it with as much zeal and fervency as any in the kingdom; as they made manifest in their lives and in their sufferings with it and for it." With such an opinionated individual in supreme command, there could be no sympathy with conscientious scruples, let alone mere prejudice in matters ecclesiastical. The Church must be ruled like an army. It must yield unquestioning obedience to the voice of command as uttered from Canterbury. The voice of congregation or clergy must be hushed if the archbishop and his bishops speak the decisive word. Laud's motto as Archbishop of Canterbury, like Wentworth's as Lord Deputy of Ireland, was "Thorough," and in their letters these two congenial spirits are found exhorting each other to be faithful to it in the service of God and king. In both, the striking characteristic is an untiring, unquestioning devotion to a system, an ideal in Church and State.

With men of more pronounced Puritan views such unquestioning obedience was a sheer impossibility. They would rather lose their ears and their liberty, and face the dangers of expatriation across the Atlantic. Under Puritan auspices abuses had, doubtless, been allowed to creep in which called for summary redress. Clergy and churchwardens had allowed

the churches to fall into disrepair, had neglected to care for the churchyards. Slovenliness and irreverence, at all events, were no essentials of piety, and in making war on them Laud did not deserve the vituperation of his opponents. Inefficiency and immorality, too, found in him their sworn foe, vice in high as well as low no mitigation in his eyes. The visitation of his province, carried out by his Vicar-General Sir Nathaniel Brent during the years 1634-37, brought to light many such abuses. Their drastic reformation was altogether salutary. But the vicar-general was a High Church crusader as well as a reformer, and relentlessly exercised his powers on conscientious Puritans as well as inefficient boorish ministers. Whoever among the clergy or even the bishops (Williams, Bishop of Lincoln, for example) declined to place the communion table in the form of an altar at the east end of the church, or bow during service at the mention of the name of Christ, or conform strictly on all points to the Prayer Book and the Canons, was liable to excommunication, suspension, and trial before the High Commission. The earnest preachers of the Gospel, to whom these things were rank Popery, suffered equally with the hireling who neglected his office. Deprivation and imprisonment were the reward for such conscientious refractoriness. It is usual for the champions of Episcopacy to descant on the tyranny of the Presbyterian ministers in the maintenance of discipline. To those who have read the records of the drastic proceedings of Laud's vicar-general and his henchmen of the High Commission, or the Acts of the High Commission Court of Durham, the régime of the High Church zealots, who punished dissent from their practices with fine, imprisonment, and sometimes mutilation, outdid in severity that of any Scottish presbytery. Despite this tyranny of conscience the vicar-general met with fierce opposition, and the irritation was widespread not merely among the clergy, but among the laity of all classes. The tyranny of the Scottish presbytery was at least in keeping with the sentiments of a majority of the people; that of Laud and his abettors grated on the consciences of both clergy and people.

The irritation was quickened by the archbishop's latitudinarian attitude on the question of Sunday observance. He advised the king to issue anew the Declaration of Sports,

which authorised popular amusements on that day, and was directed to be read in all churches. It was a bid for popular favour, and was, moreover, a much-needed antidote to the morose and sometimes hypocritical tendency of the Puritans to magnify, in their turn, the letter at the expense of the spirit. Nevertheless, Laud failed utterly to win popularity for himself or his system. What the people thought of him and his system is apparent in its attitude towards the more harshly treated of his victims.

Among these the indomitable Prynne figured once more, and he had on this occasion in Dr Bastwick and Mr Burton two other equally staunch witnesses to the truth as it appeared to the Puritan mind. Prynne's prolific pen had not been idle in the interval since his ears had been cropped by the High Commission in 1634. He had dipped it once more in the gall of his ire to denounce the Book of Sports and the popish practices of the bishops. Burton had been equally vituperative in the pulpit, and Dr Bastwick, whom Clarendon calls "a half-witted, crack-brained fellow unknown to either of the universities or the college of physicians," was a match even for Prynne in the use of strong language. To him the prelates were "devils in surplices," "proud, ungrateful, illiterate asses," "pole cats, stotes, weazels of the Church and the State." He mingled, however, some coarse humour with his objurgations. Witness the following, written to a fellow-Puritan in December 1636:—"If you see Father William of Canterbury, His Holiness, and William of London, Magnificus Rector of the Treasury, my wife desires they would be godfathers to her child, and if you can obtain this favour at their hands at her behalf, I am almost confident I can prevail with their old mistress, the whore of Babylon, to be godmother, with whom they have so long committed spiritual fornication, and then we shall have such a christening as has not been in Europe this many a day."

For such effusions the trio were sentenced by the Star Chamber to a fine of £5,000 each, imprisonment for life, and the loss of their ears. Here is the scene as depicted in a contemporary narrative, and the most significant feature of it is the fact that these men, extremists though they were, were regarded as the martyrs of a popular cause. "Friday last Dr

Bastwick, Mr Burton, and Mr Prin stood in the pillorye in the pallace of Westminster. As Doctor Bastwick came from the Gatehouse towards the pallace, the light common people strewed herbes and flowers before him; Prin and hee stood upon one scaffold, and Mr Burton upon another by himselfe. They all three talkt to the people. Bastwicke said they had collar days in the king's court, and this was his collar daye in the king's pallace; he was pleasant and witty all the tyme. Prin protested his innocency to the people of what was laid to his charge. Mr Burton said it was the happiest pulpit he had ever preacht in. After two hours the hangman began to cut off their eares. Hee began with Mr Burton's. There were very many people; they wept and grieved much for Mr Burton, and at the cutting of each eare there was such a roaring as if every one of them had at the same instant lost an eare. Bastwicke gave the hangman a knife and taught him to cut of his ears quickly and very close, that he might come there noe more. The hangman burnt Prin in both the cheekes, and as I heare, because he burned one cheek with a letter the wronge way, he burnt that againe. Presently a surgeon clapt on a plaster to take out the fire. The hangman hewed off Prin's eares very scurvily which putt him to much paine, and after he stood long in the pillorye before his head could be gott out; but that was a chance. The reason why Prin was so ill used by the hangman was, hee had promised him five pieces to use him kindly the time before, which he did, and Prin had given him half a crowne in five sixpences; but now the hangman was quit with him, for it is said that Prin faynted in the pillorye after the execution. The cause was his standing in the pillorye soe long after. The humours of the people were various. Some wept, some laughed, and some were verie reserved."

The expression of popular sympathy which this disgusting scene at the pillory drew forth was renewed on the road to their several prisons in various parts of the country. Libels and pamphlets gave vent to the popular detestation of their persecutor, and the secret press continued to issue these bitter denunciations, in spite of a rigorous press law that threatened the printers with the rod and the pillory. It was for a false charge of circulating some of these forbidden

pamphlets that John Lilburne, another of these stout recusants, who would rather die than do what his conscience forbade him, endured the lash and the pillory. These coercive methods only stung such men into revolt, and prepared for their author a terrible retribution when the nation should at last find the opportunity of uttering its resentment through Parliament. His opponents were by no means all of the stamp of a Prynne. They included the finer spirits of the nation, men like John Hutchison and Milton, types of that higher Puritanism, whose souls revolted against injustice, force, and persecuting formalism, and who, like many more, were not extremists, but laid more stress on moral earnestness, even if it were to some extent misguided, than on a strictly regulated worship. It included, too, men like John Hales who "would rather renounce the Church of England to-morrow if it obliged him to believe that any other Christians should be damned." It included, further, men like Sir Simmonds D'Ewes, the plodding historian, to whose industry we owe a very valuable account of the parliamentary history of Elizabeth's reign, and a still more valuable manuscript account of the debates of the Long Parliament, of which he was a member. Sir Simmonds could, as he tells us, "honour and esteem a virtuous or a learned Papist who, being educated in that religion, supposeth it to be the truth." But even D'Ewes could see in Laud and his party only betrayers of Protestantism.

The belief, as harboured by men like D'Ewes, that the Laudian innovations were intended to prepare the way for the return of England to Rome, added poignancy to the opposition. The belief might be mistaken, but it was none the less intense. Charles, in truth, held communication with Rome through Panzani and Conn, papal agents at the queen's court. There was considerable talk of the reunion of the two Churches; but there is no historic proof for the suspicion that Laud's High Churchism was a masked crusade in favour of Romanism. The papal supremacy was incompatible with a system that exalted the royal authority and raised itself on that authority. The divine right of kings and the divine right of bishops clashed too much with the divine right of the pope for Charles or Laud to show any anxiety to admit it.

Besides, both king and archbishop had too many conscientious scruples to certain parts of the Romish ritual and doctrine to discard Anglicanism for Romanism. All this may appear conclusive to the historian; to the opponents of Laud it was simply incredible. The Puritan, it is to be feared, was as ready to believe all evil of the High Churchman as the High Churchman was of the Puritan. A man of rational mind would have found cause to condemn much that was irrational on both sides. The student of political progress must, at any rate, give the Puritan opposition the benefit of being, in this struggle, on the side of resistance to tyranny, if he could also wish that these Puritans had been more rational and tolerant in the maintenance of their opinions.

SOURCES.—Lords' Journals, iii.; Commons' Journals, i.; State Papers (1628-29, 1629-31); Ephemeris Parliamentaria, containing a True Relation of every day's Proceedings in the Parliament (of 1629); Constitutional History, viii.; Parliamentary History, ii.; Rushworth's Collections, i. and ii. The usual accounts of the session of 1629, based on Rushworth, who drew on the Diurnal Occurrences of every day's Proceeding in Parliament (20th Jan.-10th March, published in 1641), the Constitutional and the Parliamentary Histories, require to be corrected and supplemented by the Verulam MS., described by Mr Bruce in Archæologia, vol. 38, Nicholas Notes, the Harleian MSS., and Forster's Life of Eliot, vol. ii. Mr Gardiner, who made use of these sources in his History of England (vol. vii.), has given the fullest and most accurate narrative of the session. State Trials, ii.; Strafford Letters, i. and ii.; Laud's Works, ii.-vi.; Gardiner, Constitutional Documents of the Puritan Revolution (1889); Clarendon, History of the Rebellion, i. (1826); Autobiography and Correspondence of Sir Simmonds D'Ewes, edited by Halliwell (1845); Whitelocke, Memorials of English Affairs (1682); Acts of the High Commission Court within the Diocese of Durham, edited by Mr Longstaffe, Surtees Society (1858); The Correspondence of John Cosin, edited by Ormsby, Surtees Soc., pt. i. (1869); A. Leighton, An Appeal to the Parliament, or Sion's Plea against the Prelacie; Prynne, Histriomastix (1632); Documents relating to the Proceedings against W. Prynne, edited

by Gardiner, Camden Soc. (1877), to which is prefixed a Life of Prynne by Mr Bruce; Hacket, Life of Bishop Williams; Neal, History of the Puritans, edited by Toulmin, ii. (1794); Grey, An Impartial Examination of the Second Volume of Neal's History (1736)—it is by no means "impartial," however. Gardiner, History of England, vii. and viii. (1891); Nugent, Memorials of John Hampden (5th ed., 1889); Hutton, History of the English Church from the Accession of Charles I. (1903).

CHAPTER X.

The Subversion of Presbytery and the Establishment of Prelacy in Scotland (1600-1625).

It is time to shift the scene to Scotland, and the transition is a most significant one in the history of political liberty in this now united realm. At this period Scotland, though regally one with England, was in every other respect a foreign country. James' enlightened attempt to bring about a closer union had made shipwreck on the rock of English jealousy and prejudice. There was, indeed, sympathy on religious grounds between the Puritans of the southern and the Presbyterians of the northern kingdom. Both owned Calvin as their master; in doctrine the Church of England was practically uniform with the Church of Scotland, and the more advanced Puritans were eager to assimilate the Scottish Church government. The Hampton Court Conference dashed this Puritan dream, and James' dream of a closer political union proved still more illusory. Despite his majesty's assiduity, the two kingdoms remained estranged in sentiment and interest. The House of Commons, largely Puritan though it was, refused, on national and commercial grounds, to hold out the right hand of political fellowship to the Scottish Parliament, and James' patronage of his countrymen only intensified the general dislike of Scotland and Scotsmen throughout his reign.

Events were, nevertheless, surely, if slowly, drawing the two peoples into line in a common resistance to arbitrary government, and in little more than three decades after the failure of James' unionist scheme, the two peoples are found co-operating in a union for political and religious ends, very different from those contemplated by their unionist ruler. To this union, in active resistance to the will of an arbitrary king, Scotland contributed the initial impulse. It was Scotland that taught

England how to deal effectively with a monarch who transgressed the constitution in Church and State. England had been content with remonstrances, petitions, appeals to law, and had utterly failed to prevent thereby its king from governing it as he pleased. It had refrained from carrying opposition beyond Parliament and the law courts. The few individuals who had dared to challenge the exercise of the royal authority with the pen had been promptly and severely dealt with by the Star Chamber and the High Commission. The nation at large saw no alternative but submission, and succumbed to the arbitrary exercise of authority in the hope that Parliament might ere long find the opportunity of vindicating its rights by speeches and Bills on behalf of liberty. Scotland, too, when its turn came, protested, petitioned, appealed to law. But it did not stop short at mere oratory or penmanship. When protests and appeals failed, it drew the sword in true native fashion to enforce the national will. Redress our grievances, or we shall fight for it, was the determined ultimatum which confronted a king whom the submissive attitude of Englishmen had deluded into the belief that Scotland might be governed as England had been. Scotland was to prove in the most unexpected fashion that it would not be thus governed.

The shifting of the scene to the north of the Tweed is thus of cardinal importance to the adequate understanding of the renewal of the constitutional struggle south of the Tweed. Scotland might be, and indeed was, in some respects, as Englishmen believed, and sometimes said in their most offensive manner, inferior to England in general civilisation. It might be derogatory for the more affluent and refined nation to unite on equal terms with the poorer and the ruder. Scottish poverty and ruggedness were the proverbial joke of the fastidious, overbearing southerner. The Scottish Parliament might be a tame assembly compared with the great council of lords and commoners at Westminster. The Scottish nation, especially the aristocratic portion of it, was doubtless the more lawless, and therefore the less advanced of the two. But it was superior to England in what we should now call public spirit, but what was then, as often as not, the spirit of faction. But the spirit of faction was capable of great

things if it should be focussed into activity for some really national cause, as the War of Independence and the drama of the Reformation had shown. Once convinced that the interests of the nation, whether spiritual or secular, were at stake in some great question, the nation would not hesitate to champion them even at the risk of civil war, rebellion. The Englishman in similar circumstances might call for a Parliament; the Scotsman, not having the same faith in his Parliament, would simply sign a "Bond" of common defence, rally round his leaders, and fight it out till he was victorious or beaten in the field. This pugnative spirit had often plunged the country into anarchy, and had made it from time immemorial one of the most difficult to govern. To defy a weak or an obnoxious king was a common occurrence in Scottish history. The defiance was not always, not usually, it might be, for the benefit of the people. It might be the device of selfish, factious nobles, whose local tyranny was more terrible than that of any king could have been. But if once roused in a cause that was not local or personal, but national, it was capable of championing, achieving rights that concerned all and appealed to the interest or the conscience of all. And it was a foregone conclusion that if the King of Scotland ventured to rouse and attempted to browbeat the contentious spirit thus united, he must succumb in the quarrel. James knew from experience what he was talking about when he resisted Laud's aggressive arguments in favour of imposing the English ecclesiastical system on his Scottish subjects on the ground that "he did not know the stomach of that people," and gave some pertinent illustrations from his own knowledge. Charles was less knowing, and Charles' ignorance was to cost him dear. To this perfervid spirit is due the discomfiture of his personal rule not only in Scotland, but in England. The object lesson in resistance to arbitrary government which it gave to England, was not lost upon the Long Parliament.

The conflict between king and Parliament in Scotland was largely a conflict over ecclesiastical questions. The Scottish Parliament was as submissive under James VI., till towards the end of his reign at least, as the English Parliament had been under Henry VIII. It met merely to vote the Acts

presented to it by an autocratic Government, and it was not till well into the reign of Charles that its restiveness became a factor in the constitutional struggle that engrossed both kingdoms. It was from the General Assembly that James had to fear opposition to his will. Hence his persistence in seeking to transfer the government of the Church from that redoubtable body to bishops, whose dependence on himself ensured their subservience. He succeeded for the time being in imposing the Episcopal order on the Church, and in manipulating through it the Assembly. But the demand for a free Assembly was never relaxed by that section of the clergy who resisted his tactics, and whom he sought to outwit and browbeat by turns. It continued to testify and suffer for its convictions throughout the reign, to pit the rights of constitution and conscience alike against the royal will arbitrarily exercised. Thus, though the conflict was mainly ecclesiastical, it had, as we shall see, a political side. The Presbyterian antagonism to James was, at the same time, a vindication of Acts of Parliament and Assembly, and the principles they defended went far beyond the scope of mere questions of Church government or ritual. Whilst in England the struggle with the Stuarts was mainly political, with an ecclesiastical bearing, in Scotland it was mainly ecclesiastical, with a political bearing.

That the Scottish people would submit indefinitely to take their Church government by royal prescription was extremely doubtful. The Scottish Reformation had been carried, as we have seen in the preceding volume, in the face of the opposition of Queen Mary and her mother, the Queen Regent. In this respect it differs from the English Reformation, which was the work of the monarch rather than of the people. It had culminated in revolution in the State as well as in the Church. It not only deposed the pope; it resulted in the deposition of the reigning monarch. And in keeping with its divergent political character was the more democratic texture of its ecclesiastical polity. Under the leadership of Knox's successor, Andrew Melville, and in spite of the repressive tactics of James, it ultimately asserted its identity with the Reformed Churches of the Continent, in the establishment, in 1592, of the Presbyterian system of Church government elaborated in "The Second Book of Discipline."

"The Second Book of Discipline" has a political as well as an ecclesiastical interest. The organisation of the Church was distinctly democratic, and this democratic organisation was to render yeoman service on behalf of political as well as religious rights during the long struggle with Stuart absolutism, in which both Church and State in Scotland was involved for fully a hundred years. The "Book of Discipline" derives, it is true, the ecclesiastical authority from God, not from the people. "This power ecclesiastical is an authoritie granted by God the Father, through the mediator Jesus Christ, unto His Kirk gatherit, and having ground in the Word of God." But this power is not invested in any earthly head, in any absolute pope, or priestly order, or supreme secular ruler. Christ alone is head of the Church, and He has confided its government to its office-bearers. It is, moreover, different from the civil power, though both the civil and ecclesiastical government is of God and tends to advance the same end, viz., God's glory. The Church is a spiritual institution, and is therefore subject only to Christ. It dare not be subject to the State, though as citizens its office-bearers owe obedience to the laws and are amenable to civil jurisdiction. Similarly even "the magistrate," from the king downwards apparently, is, as a member of the Church, subject to its spiritual jurisdiction. Nay, as magistrate, it is his duty to aid the spiritual power in the due performance of its functions by the punishment with civil penalties of the transgressors of its ordinances.

The Presbyterian claim to absolute ecclesiastical power sounds thorough enough. It could not possibly be expressed in more emphatic language. The Kirk, as a spiritual institution, is subject to no power on earth, and requires the secular power to abet its sentences. It might be the voice of Gregory VII. that speaks, and the polity of the "Book of Discipline" has been denounced as pure popery in disguise. Such an interpretation is not a fair one, and it certainly was not the intention of Melville and his associates to establish a pure ecclesiastical despotism over the civil power. Nor does the system embodied in the "Book of Discipline" necessarily lend itself to this conclusion. The office-bearers of the Church are, as subjects, explicitly under obedience to the

civil jurisdiction. No priestly character invests them with immunity from the jurisdiction of the magistrate. These office-bearers — ministers, doctors, elders, deacons — though they fill a divine office, are no sacred caste. All its office-bearers, it is explicitly stated, are "ministers," whatever their particular functions — whether to preach, or teach, or administer discipline, or care for temporal things—whether, that is, they are pastors, or doctors, or elders, or deacons. "For albeit the Kirk of God be rewlit (ruled) and governit be (by) Jesus Christ, Who is the onlie King, Hie (High) Priest, and Heid thereof, yet He uses the ministry of men as ane most necessar middes (means) for this purpose. . . . And to take away all occasion of tyrannie, He willis that they sould rewl (rule) with mutual consent of brethir (brethren) and equality of power, every one according to their functiones. . . . Therefore all the ambitious titles inventit in the kingdome of Antichrist and in his usurpit hierarchie . . . aucht (ought) all utterlie to be rejectit." Such a declaration is as far as the poles asunder from popery. Even the most reforming of the reforming councils which sought to limit the usurpations of Rome never dared to decree the absolute equality of the office-bearers of the Church, lay as well as cleric. Further, these office-bearers, and more especially the pastors, are placed in office not by any ecclesiastical or secular magnate, but by the voice of the people. They are elected "by the judgment of the eldership and the consent of the congregation." No one shall be intruded in any Christian office "contrar to the will of the congregation" . . . or "for any warldlie respect." They are called by God, but must be duly elected by man. The elders, whose office it is to co-operate with the minister in maintaining discipline, and the deacons, to whom the pecuniary affairs of the congregation are entrusted, are likewise chosen by the congregation. Further, these popularly chosen officials—ministers and elders—compose the various courts which govern the Church. These consist of Presbyteries for the government of smaller areas, Synods for that of larger areas or provinces, the General Assembly for the whole Church. Of bishops or other functionaries who are not elected by the popular will or assume a higher dignity or title than their brethren, the "Book of Discipline" will know

nothing, though its authors were not yet prepared to abolish the office root and branch.

To call an organisation which, though claiming divine authority, practically rests on the popular will, popish is to abuse language. It is in reality the antithesis of popery. In the first place, the congregation elects its office-bearers, whether preachers or elders. Then these popularly elected office-bearers or their representatives are conjoined with those of a certain number of other congregations to form a presbytery, which has the general oversight of the churches within its bounds. A certain number of these presbyteries, again, form a synod, which possesses a certain jurisdiction over the churches of the province. Finally, the presbyteries send their representatives to a General Assembly to legislate for the whole Church. The democratic feature of this organisation is patent. It represents a popular Church, popularly governed through its office-bearers, who can only hold office by the popular will. Moreover, this organisation is the result of full discussion and is adopted after the members of the Church by their representatives have debated and freely voted every point of it. Between the Church of a Hildebrand and the Church of an Andrew Melville there is all the difference which exists between autocracy and democracy. Understand by this democracy the members of a society which aims at being co-equal with the Christian manhood of the nation, and we have the Kirk of Scotland as adumbrated in "The Second Book of Discipline."

So much granted, it must be admitted that this organisation might, nay did, become, in the hands of bigoted presbyters, an instrument of moral tyranny. The "Book of Discipline" is nothing if not dogmatic. The Kirk is based on the Bible, as all Kirks are more or less, and its office-bearers claim to possess "the power of the keys" over soul and conscience. They exercise the right of excommunication, and require the magistrates to give efficacy to their judgments. "The spiritual rewleris (rulers) should requyre the Christian magistrate to minister justice and punish vyce, and to maintaine the liberty and quietness of the Kirk within their boundis. . . . He aucht (ought) to assert, mentaine, and fortifie the jurisdiction of the Kirk,"—without, however,

usurping "onie thing that pertains not to the civil sword." The ministers are the infallible judges of "libertie," and there is not even a suspicion that dissent from the Kirk is allowable. Such dissent is "schism" and "rebellion." The will of God, as interpreted by the Kirk, is absolutely binding on every person in things moral and religious. Its office-bearers are judges, not only of what is "sound doctrine," but of what is sin, and in the category of sins, "dancing" is especially branded as worthy of excommunication. The trial and burning of witches is, as we know from the records of the time, a duty which they inculcate with horrible emphasis on the powers that be. They are prone to mistake sanctimonious whining for true piety, as even the racy diary of James Melville occasionally proves. They have no conception of toleration, within or without the Church, of opinions that may differ from the hard and fast system of doctrine and government deduced by the Reformers from the Bible. All such they would range under the general and opprobrious term of "blasphemie." Their notion of liberty of opinion or conscience is of the narrowest range, and we can understand and sympathise with the revulsion from this narrow moral tyranny in favour of the human side of life. The age was narrow, and fiercely dogmatic, and the "Book of Discipline" bears in this respect ample trace of the age in which it was produced. Moreover, the moral laxity bequeathed by the old Church to its successor inclined these stern presbyters to ignore the fact of Christian liberty as well as emphasise Christian obligation, and to magnify things indifferent, or even positively innocent, into sins. Scotland, to judge from the records of social laxity, of rampant lawlessness, needed a stern moral discipline, and the Kirk supplied it in the form of a vigorous inquisition into the morals of its members. But it was too Judaic in its conception of life and religion, too prone to see dangerous maladies in trifling ailments, to seek a remedy in mere mechanical prescriptions — in excommunication and ostentatious parade of repentance, tending to beget hypocrisy and phariseeism. These godly men, to judge from their sermons, were very ready to rebuke and condemn the sinner; they were not too conspicuous for moderation and charity in so doing. There

is too much trace, from this point of view, of the tyranny of the Kirk from the days of Andrew Melville to those of the heresy hunters of more modern times. In certain contingencies it is even conceivable that the civil power, in resisting the demands of this popularly constituted Kirk, might be defending liberty against tyranny. It might not always be certain that in demanding, in the name of God, the submission or co-operation of the civil power in carrying out its sentences, it was expressing the divine will. This claim to a monopoly of the divine will on the part of any ecclesiastical organisation may in fact be as dangerous to the liberty of the subject as the dicta of an absolute earthly potentate.

On the other hand, these stern presbyters, as the representatives of a popularly constituted Church, were an insuperable obstacle to the permanent establishment of Stuart absolutism in Scotland. They might recognise in a general way that the secular power is of God, but they emphatically repudiated the royal assumption of supremacy over the Church, and insisted on the fact of the limitation of the royal power. In resisting this supremacy as claimed by James, after the model of the Elizabethan Church government, they were defending, in a fashion, liberty of conscience against the crown, and were nurturing in the people the spirit of resistance to arbitrary government in the State. The Scottish crown had been impotent enough, except during brief intervals of energetic government, in its struggle with a turbulent nobility. This rebellious aristocracy had effectively prevented the establishment of a Tudor, or a Valois, or a Habsburg despotism in Scotland. It had served, in this respect, the function of a representative Parliament, whose development it had arrested. But the Scottish nobles were the fosterers of anarchy rather than of liberty, the devotees of faction and self-interest rather than of constitutional progress. And just at a crisis when the Scottish monarch, in the person of James VI., was striving to realise the impossible destiny of his race, and establish an absolute régime on the model of France or Spain, he was challenged by a Church which appealed not only to the Bible, but to the popular will in defence of its liberties and rights. This challenge is of

the utmost significance in the history of political progress in Scotland. James might have mastered the turbulent nobles; he might have made a plaything of the Scottish Parliament. He had a far harder task in tackling the Kirk, and crossing swords with men like Andrew Melville. He ultimately partially succeeded; but the success was not permanent, for behind a Melville was the popular will that finally swept his ecclesiastical system and his race from the country. The bishop, in James' eyes, stood for royal supremacy, submission to the royal will; the presbyter for rebellion and republicanism. His interpretation of the political genius of Presbyterianism was not quite correct, for the Scottish Presbyterians preferred legitimate monarchy to a Puritan republic. But when he looked across the Border at the ecclesiastical establishment of Elizabeth, James might well conclude that Episcopacy was the only religion compatible with his high notions of divine right. Presbyterianism was indubitably, at this period at least, more favourable to political liberty than prelacy. Elizabeth's bishops were crown functionaries, whose bounden duty it was to do their sovereign's bidding as supreme governor of the Church. They were the agents of an imperious will, were bound to preach submission to that will, however arbitrary or oppressive its exercise. Church and Government were allies in the common endeavour to stifle Puritan self-assertion. The people must accept the religion of the prince whatever their objections on conscientious and scriptural grounds. North of the Border, where the presbyter holds ecclesiastical sway, the prince had no right to prescribe to the Church or force his will on the people in matters of religion. If he should make the attempt the watchmen on the walls of the Presbyterian Zion would blow the alarm-trumpet at once and defy him in the name of the Lord.

Such is the political bearing of the system of Church government which had received the sanction of the king and the Scottish Parliament in 1592. This consummation was the result of the manful battle maintained by Andrew Melville and his fellow-presbyters against James' predilection for Episcopacy and the tyrannical Acts, such as those of 1584, by which he had striven to vindicate his absolutist supremacy over

both Church and State. Their triumph was, however, destined to be but temporary, and in the interval between 1592 and 1603 James made considerable headway towards the goal of subverting the Presbyterian in favour of the Episcopal system of Church government. At a General Assembly, held at Dundee in May 1597, he succeeded in obtaining the appointment of a number of clerical commissioners to advise him in ecclesiastical affairs. The next step in the evolution of these commissioners into bishops was to confer on them the right of sitting in Parliament as the representatives of the Kirk, and this right received the sanction of the General Assembly which met at Montrose in March 1600. It declined, however, to deviate so far from Presbyterian parity as to confer on these clerical representatives in Parliament the title of bishop, and it took care to assert explicitly, in a number of "caveats," its supreme authority over them both as representatives and as ministers of the Church. Six months later James gave a striking commentary on these precautions and on his own double-dealing, all through these three years of tortuous statesmanship, by nominating three of them Bishops of Ross, Aberdeen, and Caithness respectively. In spite of all the specious assurances which had secured him the support of a pliable majority against the minority, led by Andrew Melville, his set policy was the subversion of presbytery, and the adroitness of these tentative efforts was only paralleled by the adroitness which in the later years of his reign enabled him completely to compass his purpose.

As a preliminary to this consummation he determined to ignore the General Assembly until he could make sure of its amenability to his will. From 1602 to 1606 he found pretexts for evading its annual meeting. It was, for instance, desirable in the public interest to intromit all ecclesiastical discussion till the union negotiations should be completed by the two Parliaments. To this reasoning the Presbyterian leaders demurred. They were warmly in favour of a closer union, but they protested that the Assembly should have the opportunity of safeguarding the interests of the Kirk as by law established, and urged that these rights were as deeply concerned as those of the State in this negotiation. They appealed to the rights of free assembly, guaranteed by the

Act of 1592, in vindication of their demand for an annual meeting. Did not that Act explicitly state that the Assembly should convene once a year at least, and that the place and date of its next meeting should be fixed by the king or the Assembly before the close of the session? They contended, therefore, that the action of the king in proroguing it from year to year according to his own discretion was illegal and arbitrary. They claimed, moreover, the right to free discussion in the name of Christ as well as of the law, and in insisting on this right they were in their own fashion championing the rights of conscience against unwarranted coercion. Their discontent was heightened by the suspicion that James' action covered some sinister design against the ecclesiastical constitution. They were undoubtedly justified both in their contention and their suspicion. The fact was that the king and his bishops were quietly conspiring to undermine that constitution. Men like Montrose and Dunbar, the Chancellor and the Treasurer, and Gladstanes and Spottiswood, whom James nominated Archbishops of St Andrews and Glasgow in 1604, were, as their correspondence amply shows, intriguing their hardest during these four years to circumvent the defenders of the Kirk. Though they succeeded by their underhand tactics in postponing the Assembly from year to year, they did not succeed in throwing dust in the eyes of men like the Melvilles and their like-minded brethren. They loudly protested in their synods and their pulpits against this high-handed policy of procrastination, and when their protests proved ineffectual they determined to vindicate their right of free assembly in their own fashion.

Accordingly on the 22nd July 1605, the date to which the Assembly had been prorogued by royal authority in the previous year, a few commissioners from presbyteries in various parts of the country convened at Aberdeen. Despite the inhibition of the royal commissioner, Sir Alexander Stratoun of Laurieston, on pain of rebellion for disobedience, they elected John Forbes as their moderator, constituted themselves as the lawful Assembly, protested their right so to do, fixed the date of the next meeting, and then adjourned in obedience to the royal command, as signified by the commissioner. James was furious at this act of defiance which

threatened to set the country in a blaze and upset the intrigues of his henchmen the bishops. He ordered the arrest of the audacious presbyters, and six of them, who refused to acknowledge their offence, including Forbes, the moderator, minister of Alford, and Welch, minister of Ayr, were arraigned before the Privy Council. They declined to acknowledge its jurisdiction on the ground that they were amenable in ecclesiastical matters to the General Assembly alone. What, demanded the Council, you decline the jurisdiction of the king? No, returned these staunch presbyters, we only decline your jurisdiction in this matter, and claim to be tried by the only court to which we are accountable in matters of doctrine and discipline. Moreover, the king could pursue them if he considered himself aggrieved by their conduct in the discharge of their duties as ministers through the General Assembly. "We declyne not his majestie and you his counsell as judges to us in anie case wherein his majestie and yee may be judges to all other subjects in the land; neither yett declyne we the king's majestie as judges to us in ecclesiasticall or spiritual maters, he judging conjunct with the General Assemblie; but heartily submit all our causes belonging to anie of our spiritual effaires to his majestie, whenever God shall give occasioun that he shall be present with the General Assemblie."

The claim was doubtless a bold one in view of the fact that they were charged with the crime of rebellion. But they disclaimed the charge of rebellion, denied the correctness of Laurieston's version of the facts, and maintained that they had only done, in virtue of their commissions, what they were legally entitled to do. It is, indeed, difficult to see how, in view of the Act of 1592, their meeting to constitute an Assembly on the specified day, or their persistence in naming such a day on the refusal of the commissioner to do so, could be an act of rebellion. It certainly was an act of defiance to the royal authority as then exercised, but the exercise of this authority was entirely contrary to the spirit of the Act of 1592, which was clearly intended to ensure the regular meeting intromitted by James for three years. So clear is the statute on this point that it entrusted to the Assembly itself the right to fix the date of its next session in the absence of the king or his commissioner. The accused were, therefore,

only carrying out the spirit of that statute. Moreover, they felt, and indeed contended, that they had no other alternative if they were not to surrender the rights of the Kirk to the king, make these rights dependent on the exercise of the royal discretion. What the exercise of the royal discretion meant was unmistakable. If the ministers would consent to carry out his majesty's ecclesiastical policy, and merely vote what king and bishops might concoct, the Assembly might meet as often as it pleased. If not, it was virtually to be suppressed. In resisting this assumption these men were, therefore, standing for principles as precious as those for which the English Commons contended when they appealed to law and privilege against the arbitrary infringement of them by the crown. They might be an insignificant fraction, but their attempt to vindicate a free General Assembly was only the more spirited on that account, and the future was to show that with this fraction, and not with the majority of their more compliant brethren, lay the cause of liberty against arbitrary government. For this spirited action they were, nevertheless, meanwhile summarily dealt with. Their declinature was adjudged treason, and on this charge of treason they were tried before the High Court of Justiciary at Linlithgow, found guilty by means of the most scandalous tactics, and banished the land. What the people thought of their treason is evidenced by the outburst of sympathy which greeted their removal from the court. "God grant," cried the bystanders, "that the king be in no greater danger than from these traitors."

Equally arbitrary were the tactics adopted for silencing those of their brethren who sympathised with their public spirit and joined in the demand for a free Assembly. Among these were the two Melvilles, and as long as the indomitable Andrew and his nephew remained at large, James could not feel sure of his ground in Scotland. He therefore summoned the Melvilles and six other leading ministers in September 1606 to a conference on ecclesiastical questions. The conference took place at Hampton Court in presence of the high dignitaries of Church and State. Melville was as outspoken and immovable at Hampton Court as he had been at Edinburgh, Falkland, or Perth, and showed the English peers and

prelates how a doughty Scottish divine could hold his own in public dispute with even his king. He refused to condemn his recalcitrant brethren, and ended in characteristic fashion by bursting into a fierce denunciation of the Lord Advocate, whom he called in Greek "the accuser of the brethren." "What is yon he says?" asked James of the Archbishop of Canterbury. "I think he is calling him out of the Revelation the Antichrist; nay, by God, he is calling him the verie devil." The other ministers proved equally uncompliant, and repeated their demand for a free General Assembly.

This second Hampton Court Conference did not add to James' laurels as a disputant. He was forced to retire from the strange scene baffled in his purpose of overawing his old antagonist, and, if we may trust the scribe, the honours of the encounter remained, in the eyes of the English peers present, with Melville and his fellow-presbyters.

Equally futile was the effort of the Scottish Privy Councillors in London to extract either a recognition of the royal supremacy in things ecclesiastical or a condemnation of the Aberdeen Assembly. In vain, too, the endless services and sermons for their edification on the merits of Episcopacy *versus* Presbytery. Unhappily, Melville allowed his irritation at what were to him popish mummeries, with which they were bored or irritated for weeks on end, to overflow in a Latin epigram which fell into the king's hands. Two days later (30th November) he was summoned before the English Privy Council. He acknowledged the authorship of the objectionable lines, but pleaded in explanation the indignation he felt at being forced to countenance such "vanity and superstition." He had himself intended to present the epigram to the king as a protest against these things. When Bancroft ventured to rebuke him, he turned upon him in his fiercest vein as a persecutor of the brethren and a favourer of Antichrist. Seizing his lawn sleeves, he called them "Romish rags," and challenged him as the traducer of the Scottish Kirk. "If," cried he, "you are the author of that book 'English Scotisising for Geneva Discipline,' I esteem you the capital enemie of all the Reformed Kirks of Europe, and will profess myself enemy to you and all such proceedings to the effusion of the last drop of my blood." This was violent

enough, but Bancroft had not been a courteous or fair-minded controversialist, and Melville was only paying back an old score. His violence did not, however, tend to gain him the sympathy of the Council. He was placed under arrest in charge of the Dean of St Paul's, and on refusing to retract his opinions and acknowledge the royal supremacy, subsequently committed to the Tower. Here he remained for four years, when he was permitted to retire to Sedan to spend the remainder of his life as professor of theology in the Protestant university of that city.

James' notion of free discussion was certainly peculiar, and his treatment of Melville and his brethren, who were likewise kept under restraint, pending the royal pleasure, for merely refusing to be converted to Anglicanism, was nothing short of scandalous. "They were," as one of their friends in Scotland bitterly reproached the Bishop of Dunblane, "written for (summoned) to reason, but the end proved prison." Despite his choleric extravagance, Scotland owes much to the independent assertive spirit which made Melville the foe of royal dictation in matters of conscience, the ever watchful opponent of the arbitrary courses to which James was so much addicted. It was well in an age which had inherited the flattery and servility, so dear to an Elizabeth and so congenial to her successor, that there was such a resolute voice to utter the message, "Thus far and no further." He might have done so less offensively, more courteously on occasion. Let it serve as his apology that in such an age it is only the rugged, pugnative temperament that can suffice for such a mission as his. Had the nature of him been less impulsive, less self-reliant, he could have made no impression at a time when the defence of conscience depends upon being fully persuaded in one's mind. One may have no sympathy with much of his dogmatism on mere points of ecclesiastical polity, but his dogmatism was, nevertheless, a salutary antidote to the arbitrary instincts of a monarch who believed that he was the wisest man on earth, and that all who differed from him were rebels and traitors. This belief undoubtedly tended to the establishment of a despotic régime in both Church and State, and in Andrew Melville it found one of the most strenuous antagonists. Choleric and impulsive as

he was, his stout words in defence of his convictions and in defiance of authority arbitrarily used have in them the ring of a powerful individuality, which impressed itself on his countrymen and bequeathed its inspiration to their resistance to coercive methods in Church and State. History may find reason to dissent at times from his dogmatism, to regret that he enthralled himself too much in a narrow system which could be inimical enough to liberty of conscience in the wider sense. But history has to take its heroes as it finds them, and be thankful for even an inadequate defence of a great cause. It can ill spare such a man as Andrew Melville, even if it may take exception at times to both his manners and his opinions.

The gag thus effectually applied to their more influential opponents, James and his bishops could now proceed to business. They convened, in December 1606, an ecclesiastical convention, but they took care that it should not be a free Assembly. To this end James did not scruple to write letters to the presbyteries, directing them to choose certain ministers of whose subservience the bishops had assured him. These ministers, to the number of about 130, with between thirty and forty of the nobility, constituted what is dubiously known as the Assembly of Linlithgow. It was rather a conclave of royal nominees, selected expressly for the purpose of doing the royal will, and it would have required an astonishing amount of sophistry on the part of the king and his bishops to see in this conclave either a legal or an adequate representation of the Kirk. Some of the royal nominees had not even received the commissions of their presbyteries; others had been inhibited by their presbyteries from complying with the royal injunction. If the Assembly of Aberdeen was a fiasco in Episcopal eyes, the Presbyterians were amply justified in seeing in this conclave a travesty of a freely-elected ecclesiastical parliament, and in protesting against this infringement of the Kirk's liberties. The Assembly proceeded, nevertheless, with due unanimity to modify the government of the Kirk in accordance with his majesty's wishes. James did not venture to ask it to substitute prelacy for presbytery. He was content to compass his purpose by instalments, and he accordingly dis-

claimed any intention of altering the constitution of the Kirk. His aim, on his own profession, was merely to heal its divisions, not to encroach on its liberty. As an additional inducement, he was ready to sacrifice the Papists whom he had formerly protected from the zeal of their Presbyterian opponents. He only wished to engraft the Episcopal order on the Presbyterian system in the interest of efficiency. His nominees took him at his word, and while recognising the bishops as perpetual moderators of presbyteries and synods, they expressly retained the official organisation of the Church in the form of kirk-sessions, presbyteries, synods, and General Assembly. Moreover, they debarred these Episcopal moderators from "usurping and exercising any tyrannous and unlawful jurisdiction and power over their brethren," and subjected them to the censure and control of the General Assembly.

Though the bishops solemnly bound themselves to conform to these conditions, the whole transaction strikes the scrutinising reader as a mere manœuvre to compass a far-reaching policy, and these good presbyters must have been innocents indeed, if, on the strength of the assurances of James' spokesman, the Earl of Montrose, they failed to perceive the drift of this policy. Very different was the attitude of the large majority of the synods and presbyteries. They not only saw in the action of the Linlithgow Assembly a device to hoodwink them into surrendering their rights; they refused to acknowledge its legality. Even Archbishop Spottiswood confesses that the unanimity of the Linlithgow conclave was by no means reflected in the country. The appeal to the liberties of the Kirk resounded throughout the land. Presbyteries and synods declined to receive their new moderators, and asserted their right to appoint one of their own members as before, in spite of the commands and threats of the royal commissioners. The spirit of revolt had spread from the leaders to the rank and file, and if James had been as wise as he professed to be, he might have read in this outcry the condemnation of the craft and force which it pleased his sapience to regard as high statesmanship. Such lessons were thrown away on the Solomon of his age, and once more conscientious scruples

to surrender the rights of the Kirk were branded as rebellion in "letters of horning" against the recalcitrant presbyteries, with penalties suitable to the offence. In consequence thereof "rebel" ministers were haled before the Privy Council and sent to Blackness and other prisons to learn the virtue of obedience to a despotic government.

These drastic tactics were seconded by the astuteness of the bishops, who succeeded at a conference at Falkland, and a second Assembly at Linlithgow in 1608, in arranging a compromise for the time being. Both sides agreed to waive contention for the sake of peace, and to refer the points in dispute to a Commission. This arrangement sounded feasible enough; in reality it proved one more device on the part of these shrewd Episcopal tacticians to outwit the opposition. "It was the policie of the aspiring bishops," complains Calderwood, "to cry Peace, Peace! and to crave silence of their opposits, when in the meantime they took advantage as occasioun served." The Commission succeeded by a show of impartiality in maintaining the delusion until a General Assembly should give a final decision. James seconded its tactics by postponing the meeting of the Assembly from time to time, while coolly augmenting the jurisdiction of the bishops by instituting two courts of High Commission with autocratic powers, and sending Episcopal missionaries like Dr Abbot, the future Archbishop of Canterbury, to enlighten his benighted Presbyterian subjects on the merits of Episcopacy.

At length, in 1610, he allowed a packed Assembly at Glasgow, under the presidency of the Earl of Dunbar, to go through the farce of enacting both the royal supremacy in things ecclesiastical and the fully fledged Episcopacy which was to uphold it. The General Assembly was indeed to convene annually, and possess the right to censure and deprive the bishops, subject to the royal assent, but the right to summon it was vested in the king, and every minister was bound on oath to recognise his majesty's ecclesiastical supremacy. If James thought good to exercise his supremacy for the purpose of abolishing the Assembly itself, he might have called on every minister, who had thus sworn, to recognise his right to do so. The minister might object and appeal to the Act of this Glasgow Assembly,

but James had a way of his own of silencing appeals to Acts both of Assembly and Parliament, and adducing his royal will as a sufficient reason for doing so. The name of presbytery, as specially obnoxious to the royal ear, was suppressed. The synod became the diocese, and of these dioceses the bishops were recognised as moderators, with full jurisdiction over the clergy within their bounds. They were henceforth to exercise the power of excommunication, to receive and judge presentations to benefices, to ordain or depose ministers, and to visit and maintain discipline throughout the diocese. In a word, the powers of both presbyteries and synods were concentrated in their persons, and thus at a stroke of the pen the government of the Kirk was changed from a democracy into an aristocracy, under the supreme direction of the king. The General Assembly might remain, but it remained merely on sufferance. It had lost both its power and its independence, and the formal condemnation of the Aberdeen Assembly was a significant hint of the fate reserved for any attempt to assert its authority and a guarantee of its future impotence.

It only remained for Parliament to complete this revolution, and Parliament showed itself equally ready to legislate to royal order. It had already, in fact, signalised its zeal in favour of the bishops. In 1606, it not only acknowledged the royal prerogative in all causes, both spiritual and temporal, but restored to the bishops the temporalities of their sees, formerly annexed to the crown. There was, indeed, a dissentient minority, but the Government managed to muffle its opposition by the exercise "of continual care and exceeding pains," as they informed his majesty. Three years later, it enacted their restoration to their former authority and privileges. Finally, in 1612, it added the epilogue to this chapter of intrigue and coercion by ratifying the articles of the Glasgow Assembly, with modifications tending to increase the Episcopal power, and annulling the Act of 1592 and all others contrary to these.

One might, in a certain sense, admit the "absolute" supremacy in Church and State which James claimed and Parliament by this legislation recognised. If by "absolute" be understood that he was an independent ruler and owned

no allegiance to Rome, his claim was forcible enough. If he only meant to assert that there must be a sovereign power in the State to which all must submit, there was no less force in the assertion. But such an assertion requires to be made and understood in its proper sense. The sovereign power is not equivalent to the supreme volition of a certain individual who annexes to his person the title of sovereign. In every country in which the Estates associate themselves with the ruler in government and legislation, it means the volition of a supreme will constitutionally exercised, *i.e.*, with the consent and advice of the nation through its representatives. James might admit this limitation on paper, but we know from his writings and speeches that he sought to ignore it in both theory and practice and make himself independent, if not of parliamentary co-operation, at any rate of parliamentary control,—to absorb the sovereign power in his own person. Hence the danger of subscribing such general declarations, which might become the pretexts for overriding both law and individual right. Still more dangerous was the claim to sovereignty in things ecclesiastical as well as temporal. To admit this sovereignty might be no more than to deny the pope's ecclesiastical supremacy. But for James it had not only a negative, but a positive meaning. It signified the acknowledgment of his right to domineer over the Kirk; the recognition of his right to override the law, to suppress all dissent from his ecclesiastical policy. It gave him the lordship of conscience and tended to inaugurate a despotism in matters in which despotism is most offensive and harassing. Granted that the Kirk claimed this supremacy and in virtue thereof coerced the conscience not only of its members, but of those who were outside its pale. Its claim to do so might and did lead to persecution. But the Kirk professed at least to act in accordance with a certain constitution and through an elected Assembly, supposed to represent the nation in things religious. Its action was at least the action of the majority constitutionally expressed, not that of an arbitrary will which was a law unto itself. The principle in the one case might in effect be as persecuting as the other, for the mistaken principle of the age was that men in matters of conscience were amenable to external authority. But the Kirk in the exercise of its

ecclesiastical supremacy was at least restrained by its own constitution, by Acts to which men might appeal. James, on the other hand, might, in virtue of his ecclesiastical prerogative, bend the law to suit himself and enforce obedience to his ecclesiastical fancies, whether the Kirk relished them or not. The bishops, the judicatories of the Church, were there to do whatever he commanded. Such was, at least, the belief of their opponents, and their future as well as their present attitude towards their royal patron went far to confirm their belief. The bishop in their eyes was the mere creature of the monarch, and bishops like Gladstanes were not ashamed to confess the fact. "This bishoprie," we read in one of these Presbyterian philippics, "will bring the countrie, the lawes, the priviledges thereof in slaverie, servitude, and riotous dissolutioun. For if anie succeeding prince please to play the tyrant and governe all not by lawes, but by his will and pleasure, signified by missives, articles, and directiouns, these bishops will never admonish him, as faithful pastors and messengers of God, but as they are made up by man, they must and will flatter, pleasure, and obey man. And as they stand by affectionis of the prince, so will they by no meanes jeopard their standing, but be the readiest of all to put the king's will and pleasure in executioun."

There is considerable force in this reasoning, and the history of Scotland in the seventeenth century was to bear it out only too fully. The future of constitutional liberty lay in truth not with the servile bishop, but with the stout presbyter who did not hesitate to invoke the law and resist the monarch in defence of political as well as religious rights. For such, James' policy of interference and dictation, in spite of Acts of Parliament and Assembly, let alone conscientious scruples, constituted a thraldom to be resisted in the name of God and man. And such resistance was imperative if Scotland was not to succumb to the personal absolutism which the Stuarts would fain have enforced north as well as south of the Tweed. James might hesitate to go all the length to which his son was prepared to go, but the theory tended to the same goal in both cases, and the substitution of the bishop for the presbyter was indispensable to its partial, as to its entire realisation. Meanwhile James might seem to have manœuvred and crushed the

spirit of resistance into abeyance. The Episcopal triumph might be a triumph for personal government, but political theory was mingled with the contendings of both parties, and the arguments of the champions of Presbyterian democracy had sunk deep into the heart of the people. The day was not so far off when these arguments would burst into utterance once more as the battle cries of a revolution.

Having reformed the government of the Kirk, James' next care was to reform its worship. The simple Presbyterian service was as obnoxious as the presbyter himself, and the Kirk was ere long to discover that, along with the bishops, it must take as much of the English ritual as James deemed necessary for its edification. Even the bishops were very dubious as to the expediency of further innovation, but their master was imperative, and an Assembly which met at Aberdeen in 1616 went the length of ordaining, though not without dissent on the part of a considerable section of the ministers, a new Confession of Faith and a more elaborate liturgy than Knox's "Book of Common Order." These alterations fell far short of James' reform programme, which stipulated kneeling at communion, the observance of the great Church festivals, Episcopal confirmation, private baptism, and private communion. Even Spottiswood, whom he had transferred from Glasgow to St Andrews on the death of Gladstanes in 1615, demurred and begged him to walk warily. James was, however, determined to exact conformity, though he agreed to waive compliance pending his visit to Scotland in the following year. He even went the length of trying to reassure those who foreboded what was coming by a proclamation, disavowing any intention to innovate further in religion. He had all the same made up his mind to force his Five Articles on the Kirk in virtue of his ecclesiastical prerogative, if the Assembly should rebel against its ecclesiastical leaders. He had the Anglican service celebrated in his presence in the Chapel Royal at Holyrood, and, as a preliminary to the ritualistic alterations on which his heart was bent, he proposed to the Scottish Parliament that "whatsoever conclusion was taken by his majesty, with advice of the archbishops and bishops, in matters of external policy, the same should have the power and strength of an ecclesiastical law."

The bishops, having the fear of the ministers before their eyes, demurred. The proposed Act was indeed a knock-down blow to the General Assembly. James stormed, and in his bluntest fashion reminded the bishops that they were there to execute his orders. "To have matters ruled as they have been in your General Assemblie," he burst out, "I will never agree, for the bishops must rule the ministers and the king rule both, in matters indifferent and not repugnant to the Word of God." What he accounted indifferent was, however, of the very essence of conscientious conviction to a large section of clergy and people, as he was explicitly informed in a protestation in defence of the liberties of the Kirk against the objectionable Act. The protesters, to the number of fifty-six, appealed to the legislative rights of the Assembly, as confirmed by various Acts of Parliament, and to his majesty's assurance by proclamation that he would attempt nothing against the same, entreated him to desist from his purpose, and concluded with the expression of their determination rather to incur the royal anger than submit.

James was sufficiently impressed by the spirited document, which was presented to him at Holyrood, on the 28th June 1617, by Mr Peter Hewat, one of the ministers of Edinburgh and titular Abbot of Crossraguel, to order the obnoxious Act to be excluded from those presented for ratification on the last day of the Parliament. But the reason which he adduced for his compliance did not tend to reassure these anxious presbyters. He had, he said, ample powers in this matter in virtue of his prerogative, and the Act was, therefore, unnecessary. The leaders of the protesters promptly experienced in their persons what the exercise of these powers meant. Three of them, Hewat, Calderwood, the historian, and minister of Crailing, and Simson, minister of Dalkeith, were summoned before the High Commission, in the presence of James, at St Andrews, and imprisoned for their rebellious presumption. Calderwood, in particular, who stoutly denied the right of the king and the bishops thus to assume the functions of the General Assembly, and resisted James' personal demand for submission, was not merely sent to prison by his incensed antagonist. He was banished to Holland, where he spent several years in com-

posing that vast History, which, however unwieldy and ill-arranged, depicts, in occasional realistic touches, the ecclesiastical drama enacted on the stage of Scotland from the advent of Melville to the death of James.

Even among that section of the ministers who had hitherto conformed for the sake of peace, if not on principle, James found a distinct tendency to revolt from this dictation on the plea of prerogative. At a meeting of these held during this St Andrews visit, to which he proposed the Five Articles, he indulged in very peremptory language. "The errand for which I have now called you," said he, "is to hear what your scruples are on these points, and the reasons, if any, you have why the same ought not to be admitted. I mean not to do anything against reason; and, on the other part, my demands being just and religious, you must not think that I will be refused or resisted. It is a power innated, and a special prerogative which we that are Christian kings have, to order and dispose of external things in the policy of the Church, as we by advice of our bishops shall find most fitting; and for your approving or disapproving deceive not yourselves. I will never regard it unless you bring me a reason which I cannot answer." Despite this bluster, the assembled clergy refused to commit themselves, and asked for a General Assembly. James stormed anew. His experience of General Assemblies had not been very reassuring, and if he imposed the Articles, as he was determined to do, in the teeth of a refusal, would he not be denounced in hundreds of pulpits as a tyrant and persecutor? If they would not guarantee compliance, he would on no account grant their request. This guarantee Spottiswood declined to give, but one of the ministers undertaking to answer for his brethren, James desisted and betook himself homewards in the belief that he had gained his point.

The Assembly which convened at St Andrews three months later (November 1617) nevertheless would not pander so far to Popery as to kneel at communion or observe the holy days. Even those who were too enlightened to see Popery in these articles felt that so sudden a change in religious custom was really too much to expect of the nation. To kneel at communion was for the great majority of their

flocks equivalent to the recognition of the real presence, and therefore an admission of the doctrine of transubstantiation. Had not Christ and the apostles celebrated the Lord's Supper sitting, and why should they be called on to do so kneeling? Why should his majesty force them to commit sacrilege, and thus rend the Church anew with strife? Why, moreover, should Scotsmen be forced to adopt English practices in preference to their own? Such were the arguments used at St Andrews, and urged on the king himself in private epistles like that of Mr Patrick Galloway, one of the moderate ministers of Edinburgh. Such, too, the objections urged by men like Patrick Forbes of Carse, whom James nominated to the see of Aberdeen, and who reminded Archbishop Spottiswood that these demands were directly contrary to the royal promise to refrain from further innovations. Let his majesty, therefore, be guided in these matters by a free General Assembly, and henceforth refrain from either bribes or threats in the attempt to influence its decisions. Forbes, in fact, would be no party to such coercive courses, and at first refused the offer of a bishopric rather than become the tool of an arbitrary will. To such representations James was too angry to listen, and not only indulged in threats, but ordered the archbishop to let the ministers feel his ire in their pockets by denying the boon of augmentation of stipend to all who had opposed his will. "Since your Scottish Church hath so far contemned my clemency," wrote he to Spottiswood, "they shall now feel what it is to draw the anger of a king upon them." In further proof of his determination he issued a proclamation in January 1618 commanding the observance of Christmas, Easter, and other holy days on pain of punishment for rebellion. Unfortunately the bishops were not the men to hold their ground against such bluster, and even Forbes meekly allowed himself to be overawed. They held out the prospect of better results from another Assembly at Perth.

At Perth, accordingly, on August 1618, James repeated by letter in an aggravated form the bluster that had failed at St Andrews. He claimed the right to impose these Articles against the will of both clergy and people. The bishops were there to see his will done. If they could obtain the consent of

the ministers, good and well. If not, they were to decree the Articles in virtue of the royal authority, pure and simple, regardless of "the unruly and ignorant multitude." "We have placed you that are bishops and overseers of the rest in the cheefest roomes. You plead much, we perceive, to have matters done by consent of the ministers, and tell us often that what concernes the Church in general should be concluded by the advice of the whole. Neither do we altogether dislike your purpose; for the greater consent there is amongst yourselves, the greater is our contentment. But we will not have you to thinke that matters proposed by us of that nature, whereof these Articles are, may not, without such a general consent, be enjoyned by our authoritie. This were a misknowing of your places, and withal a disclaiming of that innate power which we have by our calling from God, by the which we have place to dispose of things externall in the Church as we shall think them to be convenient and profitable for advancing true religion amongst our subjects. Therefore let it be your care by all manner of wise and discreete persuasions to induce them to an obedient yielding unto these things as in duty both to God and us they are bound. And do not think that we will be satisfied with refuses or delayes or mitigations, and we know not what other shifts have been proponed: for we will content ourselves with nothing but with a simple and direct acceptance of these Articles in the forme by us sent unto you." If, continued he, they should adduce the discontent of the people in justification of their resistance, he had summoned a number of the nobility and others to be present in order to show that the opposition proceeded not from the loyal people, but from a rebellious faction of ministers.

The bishops, at least, hardly deserved this scolding. They had been busy in the interval since the St Andrews meeting threatening or cajoling a sufficient number of their clergy into compliance, and the power of augmenting or diminishing stipend had proved a potent means of conversion. The Government had been equally active in beating up recruits among the laity, and Spottiswood had good reason to assure his master that the Perth Assembly would do his bidding.

He had, in fact, a majority of votes in his pocket before a single Article was discussed. Nevertheless, he allowed the members to go through the farce of a formal deliberation, taking care to constitute himself moderator in spite of the demand for a free election, and to silence all inquiry into the commissions of those present. Bishop Forbes, in his opening sermon, roundly asserted that scruples of conscience in these matters should give way to the royal authority. Spottiswood, who followed him in the pulpit, reminded his listeners that James was a theologian as well as a king—"the most potent adversary that Rome ever found"—and that no decent conscience could safely disobey his majesty in this matter. They had, moreover, he added in a subsequent speech, no alternative but to obey or to sacrifice the Kirk, and with it their stipends, to the royal wrath. This was certainly a sorry exhibition of opportunism on the part of the president of what was supposed to be a free deliberative body, and not the least sorry feature is the fact that in his History he seems to be supremely unconscious of the odiousness of his rôle. Other speakers were equally weak-kneed and time-serving, and the archbishop did not hesitate to call on Dr Young, the incumbent of an English deanery, to strengthen the appeal for submission. To allow an English dean to intervene in the debate for the purpose of swaying Scottish votes in a matter in which he had no right of interference was indeed the height of effrontery. Happily for the honour of their countrymen, there was at least a minority to protest against the degrading servitude which the archbishop and his abettors inculcated. These men appealed to their ordination oath, and the obligation to maintain the established worship. They demanded free and full discussion of the Articles before being asked to vote them *en bloc*. They appealed and demanded in vain. Spottiswood succeeded in referring all discussion to a committee, of which the bishops and the assured ministers formed the large majority. This conference concluded that the question for the Assembly to decide was not, as the nonconformists contended, Why should these changes be introduced? but, Why should they not be received? This was to throw the burden of proof on the opposition and to embarrass them besides with the responsibility of saying whether the

king should be obeyed or not. The majority of the committee voted of course in the affirmative, and it was not doubtful which alternative the majority of the Assembly would choose, especially as the moderator took good care to check those members who, like John Carmichael and Alexander Henderson, attempted to expatiate on the merits of the subject. If Calderwood may be trusted, he did not refrain from insulting such independent members into silence by taunts and insinuations. "Think not," cried he, "but when the Act is made I will get obedience of you. There is none of you that voteth in the contrairie mindeth to suffer. Some men pretend conscience, and feare more to offend the people than the king. But all that will not doe the turne." He gave full rein, on the other hand, to the advocates of submission. "Many ministers," says Calderwood, "had not so much as accesse to heare, or propose one argument. They had no seats provided for them, as the other partie had; gentlemen thronged in before them. The defenders of the Articles were permitted to discourse as long as they pleased, to gibe, mock, and cavill. . . . The last arguments and answers were taken from the authoritie of the king's sword; he will ranverse (overturn) all except we yield." In despair, the opposition handed in fifteen objections in writing which the moderator refused to consider. Finally, he had the king's letter read once more, and proceeded to take the vote, calling out the while, as each member answered to his name, "Have the king in your mind," "Remember the king," "Look to the king." Needless to say, the king carried the day, the affirmatives numbering eighty-six, the negatives forty-one. The majority consisted almost entirely of the laymen whose presence the Government had pressed for the occasion, and it is certain that the opposition represented the real feeling of the country. Even Spottiswood was very dubious of the approval of the large section of the nobility which had sent excuses for staying away. They might be eager enough to accept the royal favour, but in the archbishop's opinion they could not always be relied on at a pinch. These men evidently had no particular liking for an order which was threatening to outshine them in dignity and power. Whether their lukewarmness arose from jealousy or principle, there can be no doubt that

the clerical opposition was actuated by the sense of the duty of resistance.

The marvel is, in view of the efforts beforehand to manufacture a majority and the unfair tactics of the moderator, that the vote of the ministers was nearly equally divided. They might be narrow, but in judging their conduct we ought to bear in mind that the main question is not one of breadth or narrowness, but of the right to resist dictation that took no account either of legal right or conscientious scruples, and made use of the most unworthy expedients to gain its ends. Things indifferent these Five Articles might be, as the bishops urged, but in lending themselves to such high-handed proceedings Spottiswood and his fellow-prelates were doing their best to enslave the Kirk to a sheer autocracy, and to endanger civil liberty as well.

The Articles were duly proclaimed by royal authority, and dissent forbidden under threat of severe punishment (October 1618). Three years later, they received the sanction of a majority of the Scottish Parliament (August 1621), which James' financial necessities had compelled him to summon. There was, however, a formidable minority headed by Rothes, Eglinton, Menteith, Burghley, Balmerino, and others, and this minority gave the Marquess of Hamilton, the Commissioner, a very anxious time of it. It demanded permission to meet apart and discuss the question before voting. Hamilton was forced to give way, and the opposition gave vent in no measured terms to its detestation of the obnoxious Articles. They paid no attention to either the threats or the coaxings of the Commissioner. In vain he promised that there should be no further alteration in the worship of the Kirk. "The (opposing) noblemen and barons," wrote Secretary Melrose (formerly Sir Thomas Hamilton) to James, "are reported to have dealt so passionately against the confirmation of the Church Articles and the taxation of anvelrents that your majesty's Commissioner was forced to discharge the abused liberty of their assembling, and since that time has been forced to take so continuall travell to dissolve their combination, and by assistance of all his friends dulie affected to your majesty's service, to convert them to their dutie, as has permitted small time of rest or sleep to him. He inclined to

have caused punish some of the most avowedlie malicious, but the error being almost popular, he was counselled to forbeare offensive rigour, and to studie to calme and reclame them by more mild meanes, and is in hope so to prevaile with a number of them that they sall either stay, or concur in your majestie's service, or absente themselves, and so do no harme." The marquess' hope was not realised. The opposition would neither concur, nor absent themselves, and to the number of fifteen noblemen, ten representatives of counties, and as many as twenty-four burgh members voted against the Articles, as against thirty-five nobles, eleven county, and twenty burgh members who, with the eleven bishops, made up the majority. Exclusive of the bishops, there was thus only a bare majority of seventeen laymen in their favour, in spite of the persistent pressure of the Commissioner and his fellow-ministers, seconded by the Dean of Winchester. The strength of this minority clearly proves that the large lay majority, which had supported Spottiswood at Perth, was not a true index of the attitude of at least a large section of the lower nobility and the middle class towards an obnoxious ecclesiastical policy.

Though the majority was so small, James could now adduce the sanction of the law as a stimulant to the bishops to persevere in carrying out his will. "The greatest mater the Puritanes had," wrote he, "ever to object against the Church government was that your proceedings were warranted by no law, which now by this last Parliament is cutted short; so that hereafter that rebellious, disobedient, and seditious crew must either obey or resist God, their naturall king, and the law of their countrie. It resteth, therefore, with you to be encouraged and comforted by this happie occasion, and to loose no more time in preparing a settled obedience to God and us by the good endeavour of our commissioner and others, true-hearted subjects and servants. The sword is now put into your hands; goe on, therefore, to use it, and let it roust no longer till ye have perfited the service trusted to you, or otherwise we must use it both against you and them. . . . As Papistrie is a disease of the minde, so is Puritanisme in the braine. So the only remedie and antidote against it will be a grave, settled, uniforme and well-ordered Churche obedient to God and their king." To aid them in the laudable under-

taking James fulminated a second proclamation (June 1620) denouncing severe penalties against all who should persist in their rebellious defiance. To refrain from attending conformist services on holidays was henceforth to forfeit 13s. 6d. to his majesty. To refuse to kneel cost an earl 100 pounds, a lord 100 merks, a baron and laird 50 pounds, and everybody else 20 pounds. He returned to the charge in a third proclamation (June 1624) in which he inveighed against "the damned sect of Anabaptists and such pests, enemies to religion, authoritie, and peace," and summarily prohibited their conventicles under pain of punishment in their persons and goods.

Despite Acts of Parliament and proclamations, the bishops had a sufficiently hard task in imposing conformity. Many of the inhabitants of the capital, for instance, showed their dislike of "geniculation" and their contempt for the conforming clergy by resorting to the churches of nonconforming ministers in the environs to worship in accordance with use and wont, or holding private conventicles for mutual exhortation. "The ministers," said one of these dissenters with some humour as well as bitterness, "were wont to say to us lang syne, 'thus saith the Lord,' but now they change and say, 'thus saith the king and the Kirk.'" The High Commission was kept busy summoning and sentencing recusants, both lay and cleric, hunting after obnoxious pamphlets in denunciation of the Perth Assembly, and ferreting out conventicles. The High Commission summoned and sentenced in vain. The accused simply declined to own its jurisdiction, and appealed to the liberties of the Kirk. They would rather die than bow the knee to Baal, and would not be moved by Spottiswood's insulting bluster to sell their consciences to please the king.

Equally futile were the exhortations and threats of the conforming ministers in pulpit and session. The disputants hurled the harshest epithets at each other's heads. To the nonconformists the bishops and conforming ministers were "bellygods," "hirelings," "Balaams," "Judases." The conformists in return called their opponents "Anabaptists," "Brownists," &c., and Archbishop Spottiswood even descended, if Calderwood may be trusted, to downright cursing and swearing in his capacity as president of the High

Commission. James himself exercised his powers of vituperation on the same side in his proclamations. The churches were turned into pandemoniums of contention and confusion. "There was great confusion and disorder in manie kirks," relates Calderwood, who is confirmed by Secretary Melrose, "by reason of the late innovations." Spottiswood in truth despaired of forcing or coaxing conformity. In desperation he suggested the expedient of fining the recusants in sums equal to, or exceeding, the value of their property as likely to touch his countrymen in a very sensitive part. "To be punished by the purse," wrote he in May 1623, in reference more particularly to the anarchy prevailing in the Edinburgh churches, "is a thing that ever hath been most grievous to Scottishmen and keepeth them most in awe." The Privy Council hesitated, in spite of repeated royal injunctions, to apply an expedient which virtually amounted to confiscation, but it sent recalcitrant preachers, who persisted in holding conventicles, to Blackness and other prisons. The people, nevertheless, slipped into these conventicles and preferred separation from the Kirk to kneeling at the royal command. The opposition of the Edinburgh dissenters was paralleled by that of those of Ayr and other towns, and James was fain to revoke a proclamation commanding all the inhabitants of the capital to receive the communion kneeling on Christmas Day 1624 and grant a dispensation till the following Easter.

Before Easter came he had disappeared from the scene of conflict. In Scotland even more than in England he left a people soured and estranged by his policy of bluster, and rasped almost into revolt by persecution. Despite his huge self-complacence, he must have felt on that deathbed at Theobalds that the attempt to play a master rôle in Scotland had failed miserably. His bad faith and his arbitrary tactics had rent the Kirk and nurtured an antagonism to his government which was but thinly veiled by an unwilling compliance even on the part of many of those who conformed, and found fearless expression before High Commission and Privy Council on the part of the stauncher recusants.

SOURCES.—Acts of the Parliament of Scotland, iii. and iv.; The Booke of the Universal Kirk of Scotland, ed. of

Bannatyne Club and of Peterkin (1839); Original Letters Relating to the Ecclesiastical Affairs of Scotland from 1603 to 1625, edited for the Bannatyne Club by B. Bottfield (1851); State Papers and Miscellaneous Correspondence of Thomas, Earl of Melros (Scottish Secretary of State), Abbotsford Club (1837); Register of the Privy Council of Scotland, edited by Prof. Masson; State Papers relating to Scotland, edited by W. K. Boyd (1905); The Historie of King James the Sext (1566-1596) (Bannatyne Club); Letters of John Colville (1582-1603) (Bannatyne Club); Autobiography and Diary of Mr James Melville, edited by R. Pitcairn for the Wodrow Society; Memoirs of Sir James Melville (1549-93) (Bannatyne Club); Calderwood, History of the Kirk of Scotland, vols. iii. to vii., edited for the Wodrow Society by Rev. T. Thomson (1845) — an invaluable repository of original documents, as well as a contemporary history of the times from the Presbyterian point of view; Spottiswoode, History of the Church of Scotland, ii. and iii., edited by Bishop Russell for the Spottiswoode Society (1851). Written from the Episcopal point of view. In style and arrangement it is superior to the work of Calderwood, but vastly inferior in point of information, and equally one-sided. Row, History of the Kirk of Scotland (Wodrow Society); Lyndesay (Bishop of Brechin), A True Narrative of the Proceedings of the Assemblie at Perth (1621); Historical Works of Sir James Balfour, ii. (1824); Sprott, English Liturgies of the Reign of James VI. (1871); M'Crie, Life of Andrew Melville (ed. 1899); Gardiner, History of England, iii. (1885). For the general history of the period the reader may refer to the histories of Tytler, Burton, Ranke, Brown, Lang, Mathieson.

CHAPTER XI.

The Gathering of the Storm in Scotland (1625-1635).

Where James failed, his son was not the man to succeed. Charles signified by proclamation (August 1625) his adherence to the policy of conformity to the obnoxious Perth Articles, and threatened severe punishment against presbyterian as well as popish recusants. Both were classed in the same category of rebels. The royal and episcopal zeal was, according to Row, harder on the adherents of Presbytery than on those of popish tradition. This rigour only intensified the spirit of resistance, and the ecclesiastical anarchy was aggravated by the clamour raised by the nobility against the maladroit Act of Revocation, of which more anon. In this predicament Charles was forced to relax so far as to direct the bishops to wink in the meantime at the nonconformity of such ministers as had been admitted to parishes before the Perth Assembly, provided they did not inveigh against the obnoxious Articles and allowed such of their parishioners as preferred to kneel to do so. Deprived ministers were to share in this toleration on the same conditions; otherwise the Articles were to hold good and be rigidly enforced. This concession might be a large stretch of the royal conscience, but it did not satisfy the consciences of men to whom the Five Articles were popish abominations. Nor did it take into account the conscientious scruples of nonconforming congregations as well as ministers, and it failed completely to allay the strife.

Once more the demand for a free General Assembly was raised by a number of ministers and even bishops who met in Edinburgh in the summer of 1627, with the Bishop of Ross as Moderator, and sent two deputies to press the king to yield. Their appeal was strengthened by a petition from the Edinburgh ministers, whose churches were almost deserted

on the occasion of the celebration of the communion, and who were fain to forego entirely the celebration during the year 1628, for permission to resort to the old practice. Charles responded with threats instead of concessions. He wrote a peremptory letter to Spottiswood to inflict condign punishment on the petitioners and persevere in the policy of coercion (21st April 1628). "If any shall withdraw themselves," wrote he snappishly to the ministers six months later, "we shall mak them find what it is to disobey our lawes by intertaining divisione to the contempt of God and us."

The result was not encouraging for the king or the archbishop, and it certainly was scandalous enough to religion. The pulpits rang with denunciations *pro* and *contra*, and the pandemonium in the pews raged afresh. The suspicion of further innovations roused the antagonism of even the champions of prelacy and the Five Articles. Charles and Laud would, it was feared, not stop where James had ended. The question of a liturgy, hitherto relegated into abeyance by the controversy over the Articles, had again become acute. Laud, it appeared, had banned the hybrid liturgy which had been drawn up in the latter years of James' reign, but which the Scottish bishops had not yet ventured to enforce. He would have nothing short of the English Prayer Book. Charles agreed with him, and the report of their agreement carried dismay into the heart of even conformists like Struthers, one of the Edinburgh ministers. Moderate men like Struthers now rebelled. "The bishops," wrote he to the Earl of Airth in January 1630, "are already the victims of public odium, and borne downe with contempt . . . when they deprive any brother for nonconformity they scarcely can find an expectant (candidate) to fill the place that is empty, and that because they become so odious to the flocke that they can do no good in their ministrie. But if any further novation be brought in, the bishops will find ten for one to be deprived, and that of those who have already given obedience to the Five Articles, who will rather choose to forsake their places than to enter in a new fire of combustion. . . . Your lordship knows," he added, "that I am not one of those who stand out against order, but do suffer for mine obedience, and, therefore, I the more boldly suggest these reasons unto your lordship. I

dwell in the most eminent parish of this land, and so have occasion to see what is the fruit of a schism. . . . Our fire is so grate already that it hath more need of watter to quenche it than oil to augment it."

From this letter it is evident that the suspicion of Charles' determination to anglify the Kirk was widespread, and that if he persisted in carrying it out there would be resolute resistance on the part of conformists as well as nonconformists. Even the revolt against the Articles was not confined to extremists. The more sane-minded of the laity joined in the protest and advocated toleration on the ground of utility, if not of conscientious conviction. Ominously enough this plea found expression in an influential section of the members of a Convention of the Estates, which met in Edinburgh in July 1630. This section complained that, owing to the stringency of the oath exacted by the bishops, good candidates for the ministry were no longer forthcoming, requested that the deprived ministers should be restored to their charges, and urged that, as the Five Articles had been declared by Parliament to be things indifferent, none should be molested for their conscientious scruples. The royal commissioner evaded these demands by dissolving the Convention and referring their consideration to a future session.

The Scottish landowners, who composed the large majority of the Parliament, had every reason to support the king against the people. They had profited handsomely from the generosity with which James had lavished the ecclesiastical lands annexed to the crown in 1587. They had shown their gratitude by the subserviency with which they had voted for Presbyterianism in 1592, and Episcopacy in 1612, in accordance with the behest of their royal patron. So long as the exercise of the royal prerogative did not touch their possessions or their privileges, they had been willing during the greater part of James' reign to revoke and enact at his majesty's pleasure. There was probably a growing dislike of the tyranny of the established discipline to make their compliance more hearty, but in general it would be difficult to see in votes, which were so amenable to the intrigues of the Commissioner and the Government, the expression of principle. The chief business of the Commissioner to Parliament was,

in fact, to secure votes for the more important measures of the occasion, and the result during the greater part of James' reign invariably proved the success of his underhand assiduity. Nevertheless James and his Commissioner were sometimes fated to discover that there were limits to this submission. There had been some opposition even in the Parliament of 1606 to the Act re-establishing the estate of bishops, which, as we learn from the Melros Correspondence, it required skilful manipulation to overcome, and for the honour of the Scottish Parliament there was a formidable minority in 1621 to resist to the last the pressure of the Government to secure its support of the Five Articles. Even then there was a question of "rents" mixed up with the ecclesiastical question, but there can be no doubt that this minority represented an honest reaction, on grounds of utility at least, against a policy which was rending the country with religious anarchy. James' tactics were seen to be not only arbitrary, but mischievous, and thus the Parliament of 1621 witnessed the formation of a party which became the nucleus of a growing opposition to this mischievous régime. The opening measures of Charles' reign only served to strengthen it. Though a Scotsman born, he had left Scotland in his third year, and was in sympathy and education wholly an Englishman. He, therefore, lacked that native flavour in his address and ways that had remained as a link between James and his Scottish subjects. James might be imperative, but he at least retained his Scottish accent and Scottish idioms, and his quaint garrulity struck a sympathetic note in a Scottish ear. Charles had none of this, and if he should adopt the dictatorial tone which had made his father unpopular, it would be the tone of an Englishman, and the dictation of an Englishman would grate at once on the national nerves. He not only adopted this dictatorial tone; he aggravated it by a series of innovations in the State as well as the Church, which estranged the aristocracy without conciliating the people. He not only patronised Episcopacy; he augmented the influence of the bishops by employing them in secular offices. He made Spottiswood President of the Exchequer, the Bishop of Ross an extraordinary Lord of Session. He nominated five of them members of the Privy Council, in which the archbishop

obtained the first place. He not only removed all Lords of Session from seats in the Council, and all Privy Councillors with the exception of four extraordinary Lords from the Court of Session; he proposed to revive the Commission of Grievances, instituted by James in 1623, and to amplify its powers so as to make it the Scottish counterpart of the English Court of Star Chamber. So loud was the outcry against this importation of English tyranny that he was forced to waive his intention. "The wisest and best-sighted," notes Sir James Balfour, the annalist of the period, "not onlie feared, but did see that the new Commissional Courte was nothing els but the Star Chamber Courte of England under ane other name, come doun here to play the tyrant, with a specious vissor on its face. Bot after much debait betwix the nobilitee then at courte and his majestie thereanent, it being sorely cryed out against by all honest men, it evanished in itselffe, without so much as once meitting."

Far more fateful in the eyes of our annalist was the Act of Revocation, by which, by a stroke of the pen, he annexed all crown lands, including the lands and "teinds," or tithes, of the Church, alienated during the previous seventy-five years. There might be a good deal to be said for the claim from Charles' point of view. The Church lands and tithes, which had passed into the hands of their lay proprietors, were public property. They had been diverted from public ends to the aggrandisement of a host of individuals, principally of the higher aristocracy, and why should not the descendants of these men be called on to surrender what belonged, not to them, but to the public? Further, if the abuses connected with the tenure of this ecclesiastical property and the levy of teinds had been scandalous enough under the old ecclesiastical régime, abuses had not ceased with the change from the ecclesiastical to the lay proprietor. Complaints of oppressive tactics were still rife. The holders or "titulars" of the teinds were enabled thereby to exercise, if they pleased, a galling tyranny over the lesser landowners, who held of them, and the tillers of the soil from which these teinds were drawn. They could jeopardise the fruits of a whole year's labour by refusing to allow the crops to be garnered till they had secured their quota.

Moreover, they had starved the clergy for well-nigh three-quarters of a century, as well as tyrannised over their dependants, and Charles was ready to improve on the efforts made by his father in 1617, and guarantee the clergy a fair stipend from the proceeds of the revocation. His object, on his own profession, was reform, not oppression, and reform was clamant. On the other hand, the actual holders of both lands and tithes had cause for complaint that they should be thus summarily deprived of inherited rights. Besides, their titles had been confirmed by Act of Parliament. And the terms in which the Act of Revocation was couched were certainly startling enough. Charles claimed by proclamation (November 1625) all alienated property, including tithes, since the accession of his grandmother, Queen Mary. This sounded like wholesale confiscation, and if he had been bent on fomenting widespread rebellion, he could not have signed a document more pat to the purpose. The use of such sweeping language, without reference to Parliament, must have seemed to those more immediately concerned an act of sheer despotism. Grasping lords and lairds might contemptuously smile at the protests or repinings of simple presbyters against the exercise of the prerogative at their expense. They were thunderstruck by a missive which proposed, in virtue of prerogative, to override Acts of Parliament at their own expense, and some of the more irascible of them swore that if Nithsdale, Charles' agent in this business, persisted in carrying it out, "they would fall on him and all his party, in the old Scottish fashion, and knock them on the head." They sought to startle him into retreat by spreading stories of the outrages that awaited him at the hands of an enraged people if he dared to set foot within the capital. The Presbyterian ministers, who had been so long cheated and starved out of a competent maintenance for the benefit of these grasping lords, had some reason to see the finger of retribution in their trepidation. Nevertheless, these recalcitrant ministers had not much reason to expect that the innovation would particularly benefit them. The bishops would take good care that any augmentation that would accrue therefrom would be given only to conformists. Charles was, in truth, preparing a common ground for recalcitrant

presbyter and malcontent noble to stand on in opposition to himself and his Government in Scotland. That section of the nobility which, on grounds of sympathy or public spirit, had sided with the nonconformists against the king in 1621 would in the near future be seconded by many of their order on grounds of resentment and self-interest.

Grievances, both ecclesiastical and temporal, were thus working towards making the Presbyterian party a national instead of a sectarian party. Our annalist sees, in fact, in the revocation the germ of a revolution. "It was," he tells us, "in effecte the ground stone of all the mischieffe that followed after, both to this king's government and family, and whoever were the contrivers of it deserve they and all their posterity to be reputted by these three kingdomes infamous and accursed for ever." Sir James Balfour, as an aristocrat, sees chiefly the evil side of the matter—the exercise of the prerogative at the expense of the class. Charles, however, evidently did not intend to go the full length of his proposal. While instructing the Lord Advocate, Sir Thomas Hope, to commence what is known as a process of reduction against the parties in question, and storming at a petition forwarded by Rothes, Linlithgow, and Loudon as couched in "too high a strain for petitioners and subjects," he ultimately offered to compound with them in a reasonable spirit. He referred the dispute to a commission, and as the result of a lengthy investigation into what is for the modern reader both a technical and a complicated subject, a fairly equitable bargain was struck. The owners of lands and teinds resigned them into the king's hands (February 1628), but Charles agreed (September 1629) in return to allow the holders of the lands to retain them on paying a fixed revenue to the crown and acknowledging his feudal superiority over them. The teind-holders were to receive a sum equivalent to nine years' purchase, if the owner of the land subject to this charge preferred to buy them out. If he did not prefer this arrangement, he was to pay a fixed annual rent from which, however, the stipend of the minister and an annuity to the king were to be deducted. The arrangement had much to recommend it to the clergy, to whom it assured an enhanced maintenance, and to the lesser landowners, whom it freed from a heavy burden. They had

reason to bless Charles for his persistence in the face of the opposition of the more powerful families. But it rankled in the hearts of these magnates who did not relish this determined interference with established rights, and had all the impulse of personal resentment to whet their impatience of any further assertion of the royal prerogative. If Charles should take it into his head to attempt any further innovations in Kirk or State, in virtue of prerogative, these aggrieved magnates would not be slow to stand forth as champions of a better cause than that of self-interest—the cause of the rights of Parliament and Assembly. They were ere long to find pretexts enough for their new-fangled public spirit.

Meanwhile they muffled their discontent, and Charles, on visiting Edinburgh to be crowned in June 1633, received a right hearty Scottish welcome. Our annalist goes into ecstasy over the loyalty that found expression in voluminous speeches on the part of King Fergus, Caledonia, and other emblematic figures, and made the High Street and the Canongate resplendent with decorations of various device, all the way from the West Port, where his majesty entered, to Holyrood, whither he passed on the 15th in right royal procession, which included the official pageantry of England as well as Scotland. Equally gorgeous and impressive was his progress on the 18th from the castle to the palace to be crowned with elaborate ceremonial in the Abbey Kirk; and from the palace to the Parliament House to open the session of the Estates of his old Scottish realm. "The Riding of the Parliament," when the Estates rode up the High Street in gala costume befitting their respective rank, was no strange spectacle in Edinburgh, but on this occasion the presence of royalty lent it all the fascination of novelty as well as extraordinary pomp. As for the coronation it was simply in our annalist's eyes unique—"the most glorious and magnifique coronatione that ever was seen in this kingdome and the first King of Great Britaine that ever was crowned in Scotland." As a spectacular display Charles and his subjects had evidently every reason to be satisfied with the success of the visit, and, doubtless, the decorative demonstrations and the resonant acclamations were the expression of hearty loyalty, sincere good wishes. Yet Charles managed to do some things that rasped the feelings

of his Scottish subjects and left the sting of resentment and suspicion rankling in their minds. His tact was certainly not conspicuous in including a man like Laud in his train, and in having the full English service celebrated not only in the Chapel Royal, but in the Church of St Giles. Laud's presence excited the suspicion of the royal determination to anglify the Kirk, and his conduct only tended to increase it. The Scottish bishops who officiated in the Abbey Kirk and in St Giles' during the visit appeared as the mere puppets and satellites of the Bishop of London. Those of them who did not officiate and hesitated to approve of the Anglican service were promptly snubbed by Charles' overbearing mentor in ecclesiastical affairs. Rushworth has a story that, on the occasion of the coronation ceremony, Laud thrust aside the Archbishop of Glasgow, who appeared in a plain black gown, from his position on Charles' left hand with the brusque words, "Are you a Churchman and wants the coat of your order?" The story is not confirmed by other more trustworthy contemporary accounts, but these accounts leave no doubt as to the bad impression produced by the aping of Anglican forms in the Chapel Royal of the Scottish capital. Many present, notes Row, marvelled that "such things should be used in this reformed Kirk." And even a moderate like Spalding could not refrain from commenting on "the white rochets and white sleeves" of the officiating Scottish bishops, the altar, the candles, the crucifix to which the said bishops bowed, "which bred great fear of inbringing of poperie." Far more offensive was the introduction of these Anglican forms into the service of the Cathedral Kirk of St Giles. Charles might, in his own autocratic fashion, claim to do as he liked in his own Chapel Royal. To foist the English service on the congregation of one of the city churches was really too audacious. The responsibility lay with Laud, and Charles, according to report, was not too well pleased with the servility of the Bishop of Ross who lent himself to this new departure. Imagine King James on his arrival in London setting up the Presbyterian service in Westminster Abbey or St Paul's without so much as dropping a hint to the English people beforehand! Such an offence of national feeling, as well as religious sentiment, would have been unpardonable. Yet

this was what Charles' ecclesiastical mentors presumed to do in the Kirk of St Giles. On Sunday, the 23rd June, when he entered the said kirk, he found the Scottish service already in progress—the reader reading and the people singing Psalms as was customary before sermon. No sooner was he seated in the royal gallery than the Bishop of Ross went down, removed the reader, and substituted two English chaplains in their surplices. These, with the assistance of other chaplains and bishops present, "acted their English service," as Row puts it, "without any warrand or pretext either of law or reason," and to the scandal of the congregation. Henceforth suspicion became conviction, and we may be certain that during Charles' progress to and from the Parliament House the acclamations on that old High Street became much fainter than before.

Even in the Parliament House itself there were friction and opposition to mar the harmony of the visit. A Scottish Parliament might not offer the same scope for conflict as at Westminster. The real business was transacted by a committee known as the Lords of the Articles. This committee prepared all business to be presented to the assembled Estates, and the part of the Estates was to vote *pro* or *contra* without debate. It was so constituted and manipulated as to be the mere tool of the Government. At this period it was composed of eight representatives of each Estate, but the selection of these representatives was not intrusted, as had been the case previous to 1609, to the members of their respective Estate. The nobles first of all selected eight bishops. These eight bishops selected eight nobles. These sixteen bishops and nobles in turn selected eight barons, or representatives of shires, and eight burgh members. These thirty-two persons, with nine members of the Government nominated by the king, formed the Lords of the Articles. The thirty-two were thus in reality the nominees of the bishops, for the bishops chose their eight noble partners in the selection of the other sixteen. When we further bear in mind that the Episcopal members were subservient to the royal influence, it is apparent that Charles, who sedulously attended the committee's deliberations, could get any policy he wished in Church or State presented to Parliament. What that policy was in matters ecclesiastical appeared

in two of the more important Bills presented on the 28th June. Parliament was asked, in the first place, to confirm all the ecclesiastical Acts of the previous reign, and, in the second place, to combine the Act of 1606, acknowledging the king's prerogative, with an Act of 1609 authorising the king to dictate the apparel of Kirkmen. To empower the king to play the rôle of clerical tailor might seem harmless enough. It might mean no more than the compulsory wearing by the clergy of "black, grave, and comely apparel" (as the Act of James put it). But there was more than this in the device, and suspicion was not slow to see what Charles was aiming at. It would empower him to order the use of rochet and surplice with the sanction of Parliament, as he actually did by proclamation in the following October, and the surplice would be followed in due time by further ritual innovations. This, however, was not the worst of it, for the Act made it impossible to object to the surplice without objecting to the prerogative. It excited, therefore, strenuous opposition on the part of the Presbyterian members, who drew up a remonstrance or supplication to be presented to the king. Charles would not receive it, and when Parliament met in full session on the 28th, he would neither allow objection nor listen to remonstrance. He ordered the members to vote yea or nay, and so far forgot his dignity as to act the part of an angry partisan. He not only seized a pen and noted how each member voted, he angrily apostrophised individuals of the opposition. Rushworth has preserved a report that he even went the length of taking a written list out of his pocket with the remark, "Gentlemen, I have all your names here, and I will know who will do me service and who will not this day." He, no doubt, gained a number of votes by these minatory tactics, but he did not succeed in silencing the protests of some of the opposition leaders. "I disagree from these Articles concluded against the former order of this Kirk," exclaimed the aged Lord Melville, "because your majesty's father, after he had sworn himself, caused me and all the kingdom to swear and subscribe the Confession of Faith that was then set down, wherein all these things that are now coming in are rejected by our Kirk." Lord Loudon protested equally vigorously against the combination of the two Acts. Charles cut him

short with the command not "to dispute there, but to vote." The Earl of Rothes was even bolder. When Lord Clerk Register Hay read out the result, which gave the majority to the king, he questioned the correctness of the figures. Charles ordered him to be silent, or else make good his contention at the peril of his life. As failure would involve him in a charge of treason, Rothes discreetly held his peace, and it seems that Charles' scandalous interference with the right of free voting had given him at least a bare majority. It is usual to denounce the opposition of these men as actuated by mere resentment against the Act of Revocation. But Rothes had distinguished himself by his antagonism to the Five Articles in the Parliament of 1621, and the party he represented was to a large extent the party that had shared in this opposition. If Rothes and Loudon had also taken a prominent part in the agitation against the Revocation, their opposition to Anglican innovations was, at all events, consistent.

Charles had triumphed, but he had at the same time succeeded in intensifying the antagonism of the nation to his ecclesiastical policy. He had shown his hand in unmistakable fashion, and the leaders of the opposition had not hesitated to show theirs in full Parliament. There had seemed, for a brief space, a chance that he might be persuaded to take a statesmanlike view of the situation. He had taken in good part the private representations of some of the nobility on behalf of the Kirk. But Laud and the bishops had quickly dispelled this momentary vacillation towards moderation, and his conduct in Parliament was that of a violent partisan. It was to prove as fatuous as it was undignified. "This Parliament," notes our annalist, "was led on by the episcopall and courte faction, which thereafter proved to be that stone that afterwards crusht them in pieces, and the fuel of that flame which sett all Brittaine afire not long thereafter."

Charles saw in the opposition a merely selfish, disloyal faction, and royalist writers have invariably taken the same view. Let us see, then, what their leaders had to say for themselves in a second supplication penned by an advocate, W. Haig, and afterwards discovered among the papers of Lord Balmerino. They had been actuated, they declared, in their antagonism to the obnoxious Acts only by a desire to

prevent alienation between king and people, which these innovations were fitted to breed. They emphatically denied, in the next place, that they had any private ends to serve in so doing, and complained that the expression of the opinions of a minority in Parliament should incur the royal censure. Difference of opinion on a matter of such importance was, they contended, inevitable in a parliamentary assembly, and his majesty, they implied, if they did not say, had been guilty of unfair tactics in his striving to suppress it. They recalled, further, the fact that most of them had opposed the Perth Articles in the Parliament of 1621, though they should have left out some rather wild insinuations about his majesty's patronage of Popery and Arminianism, and that their opposition had been justified by the sequel. They appealed, too, to the widespread suspicion of further designs against the liberties of the Kirk, and roundly declared their conviction that the conjunction of the two Acts was merely a device to force them to vote for the surplice. Of this there could be no reasonable doubt, and the order issued by Charles from Whitehall on the 18th October 1633, directing the wearing by the clergy of the English ecclesiastical vestments, amply confirmed their suspicion. Such forcible exercise of the prerogative would, they repeated, jeopardise the loyalty of the nation. "We did, therefore, dissent from the said Acts as imposing a servitude upon this Church, and giving a ground for introduction therein of infinit other new devices." The request for the redress of grievances made by the Estates in 1625 and 1630 had, they objected further, been ignored, and a petition presented by the aggrieved Presbyterian ministers during his majesty's sojourn at Dalkeith had received no answer. Moreover, they had been forbidden to meet and discuss matters among themselves or represent their views to the Lords of the Articles, and this inhibition, they rightly contended, "was against the constitution of a free Parliament." And the election of the Lords was an innovation of which the bishops took advantage to further their own "mysticall ends." Finally, they complained, in regard to matters purely mundane, of the heavy taxation asked and granted in spite of the Revocation, which was professedly intended to lessen in future the burdens of the people, and they reminded him

that they had shown their loyalty by voting it without demur.

The suppliants had stated what was substantially true, but there was so much truth in their statement that Rothes hesitated to incur the odium and danger of presenting it. It accordingly remained in possession of Lord Balmerino, but a surreptitiously made copy came into the hands of Spottiswood, who promptly forwarded it to the king. Charles was furious. The paper revealed to him the fact that, in spite of Edinburgh demonstrations and acclamations, his proceedings in the Scottish capital had roused widespread alarm and antagonism. This was disconcerting enough, but what was worse, some of these long-headed Scotsmen had seen through his artful device in reference to ecclesiastical apparel, and had even had the presumption to state it in black and white. They had indeed done so in very respectful terms, but there was no mistaking the tone of grievance and distrust that ran through the document. Charles, of all men, did not relish being brought to book. He had heard enough of grievances and privileges from the English Parliament, and here was a not inconsiderable minority of the Scottish Estates questioning his doings, and invoking in their criticism the rights of Assembly and Parliament. It was very aggravating to the royal mind, no doubt, but to criticise the royal policy and tactics was not necessarily sedition. Yet this was what Charles saw in the temperately worded statement, and he straightway sent orders to arrest Balmerino, and directed the Lord Advocate to accuse the unlucky baron before the Earl of Errol as Chief Justice. The Lord Advocate expatiated in exaggerated terms on the heinous crime of presuming to question his majesty's actions or motives. It was, of course, his business to make out a strong case for his royal master, but the egregiously exaggerated language in which he denounced the moderately worded objections of the suppliants does not tend to convince the modern reader of the heinousness of their detailed offences. Those who do not believe with the Lord Advocate that the king must necessarily always be in the right, will be inclined to ask for more proofs and less assertions. These suppliants might not correctly interpret what constituted Popery and what did not; they

were in this respect labouring under the narrow prejudices of the time; but they were not wrong in their conclusion that Charles was resolved to foist on the nation what to them and the vast majority of their fellow-countrymen constituted Popery, and what was both an anti-national and an obnoxious system.

Balmerino was not even the author of this vexatious document. The author had promptly escaped to Holland. But he was the possessor of it, and had refrained from disclosing the facts to his majesty. He was accordingly shut up in the castle of Edinburgh, and after a lengthy trial on a charge of "leasing making," or sedition, found guilty by a majority of eight to seven of concealing this seditious libel, and sentenced to death. Charles, however, did not venture to carry his resentment the length of the block. He yielded to the representations of Traquair, and ultimately pardoned and set him at liberty, "to the bishops' great displeasure and discontent," adds our annalist. Laud, to his credit, appears to have used his influence on the side of clemency.

The whole thing was merely an explosion of the vindictiveness of Charles, Spottiswood, and the more time-serving of the bishops. The paper was at most a protest against certain acts, by Members of Parliament, in vindication of their opinions, and meant for presentation to the king, not for seditious purposes. It contained complaints based on what were obviously matters of fact, and even if it presumed to criticise the king, the petitioners had kept their criticisms to themselves. Balmerino had only shown it in confidence to his private agent, through whose remissness a copy of it had come into Spottiswood's possession. Charles would have been well advised had he profited by its perusal to pause in that policy of anglification which the petitioners condemned as fruitful of grave evils and dangerous to himself. He chose, in his infatuated fashion, to mistake good advice for disloyalty, and to disregard the signs of the times. He had unfortunately not looked straight into the heart of his Scottish subjects. He had only looked at Scottish ecclesiastical questions through Episcopal and even Laudian spectacles. They might distort what was fast becoming a national movement into the seditious intrigues of a few malcontents. But if Balmerino and his

fellow-suppliants were traitors, the people were traitors with them. To the people they were champions of Kirk and constitution, and they were not debarred by the charge against the accused from openly showing their sympathy and admiration. "In all these dayes," says Row, "the commone people avowedlie with loud and high lifted up voices were praying for my Lord Balmerino, and for all those that loved him and his cause, and prayed for a plague to come upon them that had the blame of his trouble; and from doing of this the magistrates could not possibly get them stayed." Some of his partisans were not men to stop short at praying. They swore that if Balmerino were sacrificed to the vindictiveness of the king and the bishops, they would avenge his blood on the heads of the majority of his judges, and burn their houses into the bargain. Even Drummond of Hawthornden, Episcopalian, poet, and recluse as he was, seized his indignant pen to write a scathing denunciation of so vindictive, impolitic, and arbitrary a proceeding.

SOURCES.—Acts of the Parliament of Scotland, vol. v.; Register of the Privy Council of Scotland, vol. i. (Second Series), edited by Professor Masson; vols. ii. to v., edited by Professor Hume Brown; The Earl of Stirling's Register of Royal Letters, edited by Rev. Ch. Rogers (1885); Row, History of the Kirk of Scotland; Calderwood, History of the Kirk of Scotland; Sir James Balfour (Lyon King of Arms to Charles I. and II.), Historical Works, vol. ii. (1824); Spalding, History of the Troubles in Scotland, 1624-45 (Bannatyne Club and edition of 1830); Dalrymple (Lord Hailes), Memorials and Letters Relating to the History of Britain in the Reign of Charles I. (1766); Rushworth, Collections, vol. ii. (scrappy in reference to Scottish affairs); Burton, History of Scotland, vol. vi.; Masson, Drummond of Hawthornden (1873).

CHAPTER XII.

The National Covenant and the Abolition of Episcopacy (1636-1639).

Events now hurried king and people to an open rupture. The appointment of Archbishop Spottiswood as Lord Chancellor in the beginning of 1635 renewed the outcry against ambitious prelates, which their growing influence in Government, Privy Council, and Parliament had excited. To the nobility the appointment was obnoxious as injurious to their interests, and even so staunch a loyalist as Lord Napier complained of such innovations as hurtful to both Church and State. To the Presbyterians it was simply scandalous that Christ's ministers should take upon them secular offices to the detriment of their spiritual function. The Court of High Commission was re-established, conferring inquisitorial powers on the bishop of the diocese and six assessors. On the back of this Episcopal aggrandisement came the report of the intention to restore abbey lands to the Church, and thus deprive their lay holders for the benefit of the bishops, and though Charles only intended to give up those in possession of the crown and desisted in deference to the protests of Traquair, the Treasurer Depute, the report served to intensify the aristocratic discontent. Last, but not least, came the Canons and the Service Book. Charles and Laud would fain have stipulated the acceptance of the English liturgy, but they were forced by the representations of the majority of the Scottish bishops to abandon their design and be content with an approximation. This approximation was the result of the collaboration of Laud, who had done his utmost to insert as much of the Anglican liturgy as he could, and even to add some of his special ritualistic nostrums, and of some of the Scottish bishops, who strove to absorb as little of it as possible.

It was thus a hybrid, but it was a hybrid that was not fitted to flourish in Scottish soil. It was issued from the press in April 1637, fifteen months after the publication of the "Book of Canons," which was intended to prepare the way for its appearance, and sanctioned Laud's High Church views as to the altar and confession as well as declared the royal prerogative in matters ecclesiastical. It immediately aroused the bitterest opposition, and in three months it was blasted by the storm of popular wrath. This anger was not inspired by any deep-rooted hatred of a liturgy, though many ministers preferred to pray as the spirit moved them. Knox's "Book of Common Order" had been in general use since the Reformation. But Knox's book was simplicity itself, and was merely meant as a guide to the ministers. Moreover, it had the sanction of the Kirk, and had no savour of Anglican ritualism in it. Here, on the other hand, was an elaborate concoction, conceived largely in the Laudian spirit and imposed by royal authority as the sole expression of the people's devotions. It was obligatory, though it had not been submitted to even all the bishops, let alone the General Assembly, and it left no room for that spontaneous worship which, to the mass of the ministers as well as the people, was of the essence of true religion. Equally objectionable, it was "made in England," for the half-dozen Scottish bishops who collaborated with Laud did not represent even the Scottish hierarchy, far less the Scottish Kirk, and had been to a large extent clay in the hands of the potter at Canterbury. National as well as religious feeling was thus wounded to the quick. The Scots might take their theology from Geneva, but Canterbury was the last place to which they would think of going, even on national grounds, for their worship. It might be patriotic bigotry, but this kind of bigotry is a dangerous thing to tamper with. And if the people had been able to look into the correspondence of Laud with the Scottish bishops, their bigotry would only have derived fresh stimulus from the domineering tone of the English Primate in matters that concerned Scotland, not England. Charles deserves his share of the blame, for Charles put himself unreservedly in Laud's hands in this, as in other ecclesiastical matters. With his usual tactlessness and supercilious opinionativeness, he treated

Laud rather than Spottiswood as virtual Primate of Scotland. Even so, it might have occurred to the Archbishop of Canterbury that in dealing with Scotsmen he ought to have adopted the rôle of an adviser, not of a master. On the contrary, he directs Spottiswood and his fellow-prelates in his letters as if he were laying down the law to his own province, and these prelates must have been craven Scots indeed to submit to such lordly utterances. The wiser and less invertebrate of them had indeed resisted the demand for the English liturgy pure and simple, supported though it was by the king himself, on the ground, as Clarendon informs us, that Scotland would never submit "to be reduced to be but as a province of England, and subject to their laws and government." They would have consulted their own dignity and acted a manly part if they had plainly told Laud to mind his own business, and intimated to Charles that they would receive communications on this subject from himself, not from the Primate of England. They were too subservient and dependent to adopt such an honourable course, and they could not complain if the people regarded them as the mere henchmen of Canterbury. Their own letters amply bear out the popular belief.

If Charles, as appears to have been the case, expected that there would be a general, if a sullen, compliance with his will, he must have been rudely awakened by the dramatic, if riotous scene evoked by the reading of the liturgy in St Giles' Kirk, on the 23rd of July 1637. To the vast majority of the worshippers in St Giles' on that fateful Sunday morning, especially the feminine part of them, the Service Book which the Dean of Edinburgh proceeded to read was equivalent to the mass. The dean's voice was promptly drowned by the shrill cries of the women, and one of them, apocryphally known as Jenny Geddes, fairly took the wind out of his sails by hurling her stool at his head. He dodged the missile, but he found it impossible to go on amid the shrieks with which his tormentors insulted his person and cursed the Service Book. "Son of a witch," "Ill-hanged thief," alternated with "The mass is entered among us," "Baal is in the kirk." Still worse fared the bishop, Dr David Lindsay, who ascended the pulpit to remonstrate with the rioters. His appearance

only aggravated the tumult. Stools, Bibles, and other missiles were thrown at him. "Nor were their tongues idler than their hands," adds one contemporary reporter, Gordon, parson of Rothiemay. He was shouted down with such compliments as "False antichristian," "Wolfe," "Beastlie belliegod," "Craftie fox." Archbishop Spottiswood and other high dignitaries attempted in vain to second the bishop's exhortations, and Spottiswood was at length forced to appeal to the magistrates to clear the church of the rioters. The effort was at last successful; the doors were locked, but the ejected multitude kept up the demonstration outside, and the service proceeded amid the crashing of the glass in the windows and the battering of Presbyterian fists on the doors. One woman who had escaped ejection, and had stopped her ears with her fingers that she might not hear the idolatrous sound of the dean's voice, gave the finishing touch to this serio-comic scene. The response of Amen on the part of a young man behind her was too loud even for the device which she had in her desperation adopted in self-defence against idolatry. In her fury she dashed her Bible in his face, with the cry, "False thief, is there no other part of the kirk to say mass in, but thou must sing it in my lug?"

On emerging from the church the bishop was set upon by the crowd, and only saved from further maltreatment by the Earl of Wemyss' servants, who dragged him from the midst of his pursuers into their master's lodging. At the close of the afternoon service, which had to be conducted under the protection of an armed guard, he was again the object of the fury of the crowd as he returned in the Earl of Roxburgh's coach. His progress was greeted with curses and stones, and it was only by drawing their swords that the earl's servants kept his pursuers from venting their anger on his person.

This historic riot might be an outburst of ignorant prejudice, which saw Popery where Popery was not intended. But there was more in the antagonism to the liturgy than a question of certain forms and ceremonies. Even if it had been but a question of forms, there was cause enough, in view of the state of public opinion, for apprehending serious mischief. It was a question, as we have seen, of the right of the king to overrule, by his sole authority, the consciences of his

Scottish subjects, and was complicated by national as well as religious feeling. The riot in St Giles' was scandalous enough, especially from the Episcopal point of view, but it was only an extreme explosion of the general disgust, and Charles and his advisers had done their best, in spite of warnings, to evoke it. The Privy Council might by proclamation condemn it and arrest the ringleaders, and might minimise its importance to the king. Charles was ere long to learn that the riot was the beginning of a national, not merely of a local movement. In most of the other Edinburgh churches, dissent, though less violent, was none the less apparent, and the ministers hesitated to continue to read the obnoxious service for fear of their lives. Archbishop Spottiswood was in fact forced to waive the obligation to read in the meantime. Throughout the country the refusal was well-nigh unanimous. In Rothes' "Relation" mention is made of about half-a-dozen instances of compliance, and three of the towns mentioned were Episcopal capitals. The ministers in general both refused to buy the book and read it in accordance with the royal injunction, and when any of them ventured to argue in its favour, as Mr Annan was rash enough to do in a sermon before the Synod of Glasgow, he was quickly made aware of the danger of his hardihood. Here, for instance, is the account from Baillie's "Letters" of how the women of Glasgow appreciated Annan's sermon. "After supper, while needlesslie he will goe to visit the bishop . . . he is no sooner on the causey, at nine o'clock on a mirk night, but some hundredths of enraged women of all qualities are about him, with neaves and staves and peates, but no stones; they beat him sore; his cloak, ruffe, hat were rent; however, upon his cryes and candles set out from many windows, he escaped all bloody wounds; yet he was in great danger even of killing. The tumult was so great that it was not thought meet to search either the plotters or actors of it, for numbers of the best qualitie would have been found guiltie."

Charles sent orders to repress such mischief-makers, and to enforce the liturgy. To him these outbursts were the work of a few wire-pullers in high places. He had, in fact, expected that there would be no opposition to his will, and he was disposed to see what he had expected. There might be,

as Baillie implies and Bishop Guthry asserts, clandestine influences at work in Edinburgh as in Glasgow. The spirit of resistance was none the less general and spontaneous. It is impossible otherwise to explain the almost simultaneous outcry from end to end of the country which found vent, not in riot, but in dogged, systematic protest. Even the Privy Council was fain to confess the fact within little more than a month after the St Giles' outbreak. The petitions which began to pour in from all classes, and nearly every quarter of the kingdom, had quickly changed their view of the situation. Many of its members were, moreover, sick of the whole business, and at open feud with their Episcopal colleagues. "We find ourselves," they wrote to Charles, on the 28th August, "farre by our expectation, surprised with the clamours and fears of your majestie's subjects from almost all parts and corners of the kingdome; and that even of those who otherwayes has heretofore lived in obedience and conformitie to your majesty's lawes both in ecclesiastical and civile business, and thus we finde it so to increase that we conceive it to be a matter of high consequence, in respect of the generall murmur and grudge in all sortes of people for urging of the practice of the Service Booke, as the like hath not been heard in this kingdom." They did not venture to suggest what must have seemed the only remedy—the withdrawal of the obnoxious liturgy. They referred the remedy to his majesty's "own great wisdom." Charles' wisdom failed him at this as at other critical junctures of his life. His only remedy was an angry missive commanding the Council to enforce obedience not merely in the capital, but in every diocese in the kingdom.

By this time the petitions had swelled to sixty-eight, and in reply (20th September), the Council sent him a list of them and some samples as an evidence of the difficulties of a situation with which they were doing their best, in accordance with the royal injunction, to cope. They also laid stress on the arguments of the petitioners which, to any mind not warped by absolute subservience to the royal prerogative, must have appeared forcible enough. In that, for instance, presented by Alexander Henderson, minister of Leuchars, for himself and some of his Fifeshire brethren, there was no fanatic declama-

tions against Popery, but a calm and firm appeal to constitutional right. Here is the gist of it: In matters pertaining to the worship of God we are not bound to blind obedience. We, therefore, object to being enjoined to buy and use copies of this liturgy before we have had an opportunity of examining it. We further object to this liturgy, thus forced upon us, for the following reasons. It lacks the warrant of both General Assembly and Parliament, whose sanction in matters of worship has been deemed necessary since the Reformation. The liberties of the Kirk and its form of worship have the sanction of Acts of Assembly and Parliament and were confirmed by the Parliaments of 1567 and 1633. The Kirk of Scotland is free and independent, and its ministers know best what is good for it and the people. This book departs in most essential points from the worship of this Kirk, approximates the Romish Kirk, which is as antichristian now as it was at the Reformation, and will aggravate the contention about ceremonies hitherto prevailing. The people, nurtured in a different form of worship, will have none of it, and, therefore, we beg you to suspend your "letters of horning" against ministers—otherwise expressed, prosecutions for refusal to adopt it.

There was common-sense as well as conscience in this document, and if Charles refused to listen to such an appeal, he deserved to suffer the consequences. There was, after all, no reason whatever why he should presume to force Presbyterians to worship in a form that was distasteful to them, in deference to the crotchets of an overbearing English ecclesiastic. Their worship would probably be all the more sincere for its simplicity, and sincerity is the main thing in the relation of the soul to its God. It is not surprising that the Privy Council was shaken by such arguments, and the man who persisted in ignoring their force must have been a bigoted ecclesiastical partisan indeed. Unfortunately, Charles was an ecclesiastical partisan in Scotland as in England, and could on no account bring himself to acknowledge the point of such objections. For him it was a question of asserting his will, not listening to arguments, and his will must be done, whether the Scottish people agreed or not. "I mean to be obeyed," was his response. The Scottish people, nevertheless, did by no means agree, and it was becoming more and more evident

that if Charles insisted on its agreement, he would first have to conquer it. As accumulative evidence thereof, the petitions continued to pour in on the Council, and petitioners of all classes—nobles, gentry, ministers, burgesses—flocked in increasing numbers to the capital to support them.

Edinburgh rioted a second time in protest against the refusal of the provost to allow it to petition the Council with the rest (25th September). Nay, on the 18th October, it burst into forcible uproar a third time in defiance of several royal proclamations, published the preceding day, and commanding more especially those who had come to petition and protest to be gone to their homes on pain of rebellion, and both Council and Session to remove from the rebellious capital to Linlithgow. The mob which, on this occasion, was certainly not composed exclusively of "the rascal multitude," with shouts of "God confound the Service Book," hunted the Bishop of Galloway into the Council house, knocked down Traquair who attempted to interfere and forced him to seek refuge with the bishop in the Council house, compelled the magistrates to comply with its demands, and only desisted from further violence against Lord Treasurer and bishop in deference to the entreaty of the nobility who guarded them to their houses. The mob was master of the situation, and the mob was practically equivalent to the people of Scotland. Even those who would fain have substituted argument for violence were constrained to admit that the Edinburgh rioters only focussed the revolutionary spirit of the nation at large. Witness the following extract from Baillie: "There was in our land never such ane appearance of a sturr (revolt); the whole people thinks Poperie at the doores; the scandalous pamphlets which comes daily new from England adde oil to this flame; no man may speak anything in publick for the king's part, except he would have himself marked for a sacrifice to be killed one day. I think our people possessed with a bloodie devill far above anything that ever I could have imagined, though the mass in Latin had been presented. The ministers, who has the command of their mind, does disavow their unchristian humour, but are noways so zealous against the devill of their furie, as they are against the seducing spirit of the bishops. For myself, I think God, to revenge the crying

sins of all estates and professions, is going to execute His long-denounced threatenings, and to give us over unto madness that we may every one shoot our swords in our neighbour's hearts. . . . The barricades of Paris, the Catholick League of France is much before my eyes; but I hope the devill shall never finde a Duke of Guise to lead the bands." "My fears in my former (letter)," he adds a little later, "went no further than to an ecclesiastick separation, but now I am more affrayit for a bloodie civill war."

Instead of obeying the proclamation to disperse, the petitioners presented a general supplication—their Magna Charta as Baillie calls it—not only condemning the Service Book and the Canons, but arraigning the bishops who, they contended, had been guilty of prejudicing the mind of the king against his subjects, undermining the constitution and doctrine of the Kirk, breaking the laws, and sowing strife. Furthermore, as accused persons, they should not sit in the Council as judges in this cause. The bishops, they implied, if they did not say, were the real rebels, and were responsible for the outburst of popular violence.

What they only implied, Rothes did not hesitate to say. "If any fault or violence had been committed by any of the subjects in resisting or seeking the abolitione of that book, they might retort the bishops frameing it and the Councill's authorising (it) to be the first and principal causes." And even Traquair had not hesitated to write in much the same strain (7th August) to the Marquess of Hamilton in London. "Certainly some of the leading men among them (the Episcopal clergy) are so violent and forward, and many times without ground and true judgment, that their want of right understanding how to compass business of this nature and weight doth often breed us manie difficulties, and their rash and foolish expressions, and sometimes attempts both in public and private, have bred such a fear and jealousie in the hearts of manie that I am confident, if his majesty were rightly informed thereof, he would blame them, and justly think that from this and the like proceedings arise the grounds of many mistakes among us."

The Council refused to receive the supplication, but to rid the capital of the crowd of suppliants, two of its members,

the Bishop of Galloway and Hay, the Lord Clerk Register, suggested that they should choose commissioners to represent them. The petitioners agreed. It was a fateful suggestion, for, contrary to the intention of its authors, it led to the organisation of the movement. Rothes, musing in his pious fashion, saw in it a providential inspiration—"a cord twisted by a hand from above." In view of results, it was, at all events, epoch-making. These commissioners, representing nobles, gentry, ministers, and burgesses respectively, were re-appointed at a subsequent convention, on the 18th November, and the significance of this fourfold commission lies in the fact that it developed into the four Tables. As against a Council whose lay and ecclesiastical members were divided by jealousy and suspicion, as against a king who possessed the will to command without the means to enforce, the petitioners could pit an organisation which henceforth could rally the nation to carry out its policy, and only needed to be developed to become a perfect revolutionary agency. The organisation was, too, fortunate in its leaders. In Rothes it could claim one of the shrewdest, most indefatigable, and ablest heads in Scotland. Second only in activity and ability was Lord Loudon, forcible in argument, eloquent, and resolute. Montrose, Cassilis, Home, Eglinton, Lothian, Dalhousie, Lindesay, Balmerino were equally active. Among the ministers, Henderson of Leuchars and Dickson of Irvine lent it the strength of their learning and enthusiasm. Among the lawyers, Johnstone of Warriston stood pre-eminent for his legal knowledge, his unbending principles, and his inexhaustible zeal. We miss as yet the most formidable recruit of all, Lord Lorn, future Earl of Argyll, who as a member of the Council, ostensibly supported the Government, though like Traquair he was no friend of the bishops. Traquair, for instance, had already assured Rothes of his sympathy, while alleging the duty which his office laid upon him of trying to bring about a compromise. The Lord Advocate, Sir Thomas Hope, was an active, if secret, partisan.

The leaders and their followers intended no revolution, for they rightly claimed that they were only vindicating the rights of Kirk and nation against a faction which had misled

the king and transgressed these rights. Charles, they professed, had only to be truly informed of such wrong-doing to acknowledge the justice of their cause. This might be a faulty interpretation of his majesty's conduct and sentiments, was, in fact, merely meant to save his honour in the eyes of the Council and the nation. The suppliants as well as the Council knew well enough that Charles had not only sanctioned, but approved the Service Book. "The king," Laud had written to Traquair on the 11th September, "to my knowledge hath carefully looked over and approved every word in the liturgy." The popular leaders would fain have preserved their loyalty by persisting in the assumption that Charles was merely misled by a faction of intriguing ecclesiastics. At the same time these men were determined to go the length of resistance if Charles persisted in preferring his own will to that of the nation. Charles did persist. He resented their combination as rebellion, and he was mortified by the popular outbreak which had led up to it and which he had proved powerless to repress or punish. By his directions the Council issued a proclamation from Linlithgow, on the 7th December. It contained no answer to the petition of his subjects, but a general assurance that he abhorred Popery and adhered to Protestantism as presently professed in Scotland, and that he intended to do "nothing contrary to the laudable laws of his native country." To his Scottish subjects this was mere trifling, and their commissioners, brushing aside Traquair's laudation of the royal magnanimity, answered firmly that they would be satisfied with nothing less than the revocation of the Service Book, the Canons, and the High Commission, and the unequivocal recognition of the rights of Kirk and Parliament in these matters. They refused with equal firmness to break up their organisation to please the king, or to treat separately with the Council on behalf of their constituents, forced the Council to grant them a hearing at Dalkeith, on the 21st December, and handed in their supplication once more, accompanied by a protest against the slanders of their traducers, and a formal declinator of the jurisdiction of the Episcopal members of the Council as parties to the case. To defend the laws and religion of the kingdom could be no rebellion, urged Loudon

in a speech in support of their demands, and their action could only be agreeable to the king, who had declared that he intended to maintain them. They were, added Rothes, only too eager to preserve the loyalty of the people, in spite of the machinations of those who had both wronged the king and tried the patience of his subjects.

Once more the Council referred the matter to the king, and Traquair himself posted off to London to attempt to bring him to reason. He did his best to convince him of the strength of the religious and national feeling behind the petitioners and their commissioners, and warned him that he could only coerce the nation with an army of 40,000 men. Charles would neither be convinced nor warned. His resolution was fortified by the representations of Spottiswood, who reminded him how his grandmother had dealt with recalcitrant nobles, and advised him to imitate her example. Traquair accordingly returned with another proclamation, which left no dubiety as to his intentions. On the 19th February 1638 the voice of the Lyon Herald proclaimed to all Scotland from the cross of Stirling that Charles himself, not the bishops, was responsible for the Service Book. "Nothing," proclaimed Charles, "passed therein but what was seen and approved by us." The petition and proceedings of the suppliants were, he continued, derogatory to his authority, and deserved his high censure. Nevertheless, he would overlook this reprehensible conduct, if they refrained from further agitation and immediately dispersed to their homes. If not, they would incur the guilt of treason and be dealt with accordingly.

Charles was now to discover that times had changed since Queen Mary had denounced Moray and Argyll as traitors and spiritedly driven them across the Border. Scarcely had the voice of Lyon Herald died away than Johnstone of Warriston, who had ferreted out beforehand the tenor of the proclamation, stood forth, along with the Earl of Home and Lord Lindesay, to protest in the name of the commissioners. They demanded the right to present directly their grievances to the king, declined once more to recognise the bishops as judges in this cause, appealed for a fair trial of it before a competent tribunal, refused to recognise any Act or pro-

clamation of the Privy Council as long as the bishops were present, protested that refusal to admit innovations, introduced contrary to Acts of Parliament or Assembly, should not make them liable to any penalty, disclaimed all blame for whatever "inconvenience" should follow, and insisted that their only aim was to preserve the true reformed religion and the laws and liberties of the country.

At every market cross in Scotland where the proclamation was made there were representatives of the petitioners to repeat the protestation. Even in the Episcopal stronghold of Aberdeen, a party of Frasers and Forbeses showed both their family enmity to the Marquess of Huntly, who carried out the royal command, and their zeal against the bishops by testifying for the liberties and rights of Kirk and people. At Edinburgh, where Johnstone, with Rothes, Montrose, and other nobles again replied, the crowd indulged in jeers at Lyon Herald's expense, and refused to make way for the royal officers till the reading of the protest was finished. The very presence of the commissioners and their followers in such numbers sufficed to show the nullity of Charles' inhibition. "In my judgment," wrote Traquair to Hamilton in reference to these scenes (26th February), "it will be as easy to establish the Missal in this kingdom as this Service Book." To inhibit public meeting in defiance of the laws was, they held, absolutely nugatory; they did not go the length of defying the king point blank; they considerately assumed in the meantime that the proclamation was the act of the Privy Council, and more especially of its Episcopal members, and they promptly issued appeals, not only to the petitioners, but to all persons of influence throughout the country, to convene in their thousands in the capital. "We have heir in present consideration," wrote Rothes to the latter, "the most important business that ever concerned this natione, both in respect of the dangerous estate wherein our religione, our Kirk, liberties, lives, and fortunes presentlie stands by these innovations and divers proclamations, and other courses dailie intendit and plotted by our adversaries, not only to restraine our libertie, but also to take from us all means of ordinarie and lawfull remedy. Needing serious advisement for taking a generall course for preventing the

imminent evills that concerns all subjects, it is thoght fitt that all considerable persons should be once heir to receive true informatione of the business that so nearlie concerneth all that love the truth, the welfare of their posteritie and estate, how mean soever, and desire to enjoy the libertie of free subjects, that they may give their opinione heirin."

The issue before the country had thus become a political as well as a religious one. To accept the Service Book by royal dictation was to surrender constitutional and legal rights as well as to betray religious convictions. It is for "the liberty of free subjects" against power arbitrarily wielded, as well as for what they regard as religious truth that these men protest, and since neither protests nor supplications will avail, they will take what remedy they are legally entitled to. To this end they proceeded to perfect their organisation and marshal the various classes of the nation in four representative committees, consisting each of four members from the nobles, gentry, ministers, and burgesses. These committees further proceeded to discuss and formulate an ultimatum which should at the same time be a national bond of "union and communion," as Rothes calls it. This ultimatum gave rise to considerable debate, for some ministers, like Baillie, were not prepared to forswear the bishops root and branch. Others objected that the Perth Articles had received the sanction of Parliament. Others had scruples about resistance. Some of the Privy Councillors were, too, busy trying to sow dissension. At length, after much argumentation by Rothes, Loudon, and other leading spirits, a unanimous resolution was reached, to revive the Covenant or "Band" of 1581, with additions suitable to the occasion, drawn up by Johnstone of Warriston and Alexander Henderson, and revised by Rothes, Loudon, and Balmerino. "This union," notes Baillie, of this harmonious conclusion, "was the great pillar of the cause." It is couched in a very loyal strain. The Covenanters still assume that the king is with them in their endeavour to maintain the laws, religion, and liberty of the kingdom. It was not in its form, but in its note of invincible resolution to carry out a policy hateful to Charles that their offence to an arbitrary king lay. First came the confession of their faith, as in 1581, containing one of the most sweeping condemna-

tions of Popery ever penned. These Covenanters damned the whole papal system—authority, doctrine, decree, ritual, practice—everything in fact wherein Popery differs from the Scriptures pure and simple. They protested their sincerity, professed to be moved by no "worldly respect," but solely by conscience, asserted their whole-hearted loyalty to the king, and pledged themselves to defend his person and authority in the maintenance of the Gospel, the liberty of their country, the administration of justice, and the punishment of iniquity. They then recited the Acts of Parliament disestablishing Popery and establishing Protestantism, and guaranteeing the rights and liberties of the subjects as well as the royal authority. Then follows the Covenant or Band as modified to suit the circumstances. Noblemen, barons, gentlemen, burgesses, ministers, and commons unite in solemnly declaring that they will maintain the true religion, as confessed above, and forbear the practice of all innovations and approbation of the corruptions of the Kirk's government until they shall be tried by a free Assembly and Parliament. These innovations, they declare, are contrary to the Reformation and the Acts of Parliament cited, tend to re-establish popish tyranny, and are subversive of their laws and liberties. In swearing to maintain the true religion against these errors and corruptions, they have no desire to attempt anything to the dishonour of God or the diminution of the king's greatness and authority. On the contrary, they promise and swear to defend the royal person and authority in defending the religion, liberties, and laws of the kingdom. At the same time, they will assist one another in the prosecution of this cause "against all sorts of persons whatsoever" (the king presumably included), withstand any attempt to allure or threaten them into division, and co-operate in all lawful means to this end. In so doing they would not, however, be accounted rebels. To maintain their religion and their laws cannot be rebellion. "Neither do we fear the foul aspersions of rebellion, combination, or what else our adversaries from their craft and malice would put upon us, seeing what we do is so well warranted, and arising from our unfeigned desire to maintain the true worship of God, the majesty of our king, and the peace of this kingdom for the common happiness of ourselves and

posterity." Finally, they undertake to endeavour to live in accordance with their profession in all godliness, soberness, and righteousness.

Such is the document that the various classes, in the order enumerated, subscribed in Greyfriars' Church and graveyard on the last day of February and the opening days of March. The scene was certainly one of the most moving episodes in Scottish history. It was two o'clock in the afternoon of a winter's day when Rothes, Loudon, Henderson, Johnstone—the main actors both in the prelude to the drama and in the drama itself—appeared in the church. They found it thronged by their fellow-suppliants from all parts of the land. After a fervent prayer by Henderson, Loudon delivered a stirring address in support of the action of the Tables. Thereupon Johnstone rose with the momentous parchment—"an ell square"—in his hands. There was breathless attention as he recited those terrible sentences in condemnation not only of Popery, but of all the innovations which Charles and his father had foisted on Kirk and nation these thirty years past, with perhaps the connivance of some of those present. Every man there must have known that, despite the profession of loyalty to the king, he was being asked, in signing this formidable parchment, to condemn without modification the arbitrary tactics of both recent and previous years. It might not, from the Covenanters' standpoint, be rebellion; it certainly was defiance—defiance not only of the bishops, but of the monarch who had unequivocally declared his sponsorship of the Service Book. It behoved each man, therefore, to ponder what he did, and the voice of Rothes next broke the silence which followed the recital. "Let those who have doubts make them known," at the same time inviting them to conference with Loudon and Henderson at the east and west end of the church respectively. The doubters were found to be few, and these few were soon satisfied. It was four o'clock before the aged Earl of Sutherland stepped to the table to swear and subscribe. He was followed by Sir Andrew Murray of Balvaird, minister of Ebdie in Fife—"two noblemen," remarks Gordon (no well-wisher of the Covenant), "who, out of zeale to their professione, without any bye-end, thought it ane happiness to be amongst the first subscribents

and swearers to the Covenant." From four o'clock till eight in the twilight of that winter day nobles and gentlemen filed forward to add their names. On the morrow, after an opportunity had again been afforded for the resolution of doubts, it was signed in the Tailors' Hall by the ministers, over three hundred in number, and the representatives of burghs. It was thereafter carried round the city to receive the signatures of the people, "every one contesting who might be first." Tradition has added a fitting sequel to the final scene amid the gravestones of Greyfriars' churchyard, where the Covenant lay to receive the signatures of the multitude that the church could not contain. Some, we are told, signed with their blood; some added "Till death"; many melted into tears, and all seem to have been profoundly impressed by the gravity and the solemnity of the transaction. It is impossible to believe that this transaction was merely the prearranged artificial performance that the enemies of the Covenant would fain make it out to be.

It was, indeed, a political as well as a religious transaction, and in that crowd there were, likely enough, men who were hypocrites in religion, time-servers in politics. But it would be mean as well as narrow to look upon the whole thing as the work of a few designing malcontents, who merely used the appeal to religion and liberty to transverse a Government which they disliked. The tone of the document itself is as far removed from hypocrisy, from mere policy as can be imagined. Mere politicians do not indulge in such language —the offspring of the soul rather than the brain. It is, in fact, the language of men who believe to the verge of fanaticism in the Reformation, believe so intensely in their beliefs that they can see nothing but damnation for all who differ from them. This was narrow, too narrow, for a more tolerant age; it was not hypocritical. It has, too, a genuine ring of devotion to constitutional and legal rights, of resolution to defend them as a heritage worthy of free men. Charles had so flagrantly outraged both constitutional rights and national sentiment that it needs no credulity to believe that these Covenanters, whether noble or non-noble, felt what they said on this head. He that does not see reality both in the document itself and in the circumstances of its subscrip-

tion must be predisposed not to see it. The politician might ere long find his place in the movement; at this stage the predominant note is that of conviction, enthusiasm. The wave of conviction, enthusiasm swept over the land. In many parts of the country the work of subscription was equally spontaneous, though the influence of the nobility and gentry doubtless helped to swell the number of signatures in some of the rural districts. In the larger towns and the burghs there was as much alacrity as at Edinburgh. There was some opposition, however, notably at Aberdeen, where the Episcopal element was strong, and the Marquess of Huntly was all-powerful, and the Covenanters, if we may trust our Episcopal annalist, were not always scrupulous and forbearing in dealing with this opposition. On the other hand, we have the testimony of Rothes that none was asked to subscribe except those who were admitted to the sacrament, and the opposition, south of the Grampians at any rate, seems, as even our Episcopal annalist virtually admits, to have been insignificant. "The greater part of the kingdom have subscribed," wrote Dr Mitchell, one of the ministers of Edinburgh, to the Bishop of Raphoe on the 19th March, "and the rest are daylie subscribing." The best testimony to the strength of the movement is to be found in the attitude of the bishops. "Now," said Spottiswood, "all that we have been doing these thirty years past is thrown down at once." Spottiswood, Maxwell, Bishop of Ross, and some others who had been most forward in carrying out the royal will, took to flight across the Border. Three others renounced their office. Guthry, Bishop of Moray, alone played a manly part, and stuck to his guns. "The very name of bishop," wrote Mitchell, "is more odious than the devill's."

The Council saw nothing for it but to represent to Charles the impossibility of enforcing the proclamation. They asked him to take the grievances of the Covenanters into consideration, and meanwhile suspend the Service Book. The covenanting leaders, on their side, sent a request, through the chief Scottish noblemen at London, the Duke of Lennox, the Marquess of Hamilton, and the Earl of Morton, for the convocation of a General Assembly and a Parliament. Charles would not look at their supplication. From his point of view

the Covenant was an unspeakable offence in spite of its profession of loyalty. It plainly meant that he was altogether in the wrong in his government of Scotland, and must face to the right-about in obedience to the virtual command of the Covenanters. It was simply "a standard of rebellion," and his first impulse was to entertain Spottiswood's proposal to let loose Huntly and the northern clans on its rebellious adherents. But the deputies of the Covenanters had been busy in these northern parts, and had persuaded a large number of the people from Aberdeen to Caithness to subscribe. He sent for Traquair, Lorn, and Roxburgh, the chief members of the Council. They could only confirm what they had written, and Lorn, to the disgust of Laud, spoke out plainly against both bishops and Service Book, and even the Perth Articles. It was evident that unless Charles was prepared to appeal to the sword, he must listen to the Council's representations. Not being prepared, he determined to negotiate, and for this purpose commissioned the Marquess of Hamilton to Scotland with a declaration of his terms. He would modify the High Commission, and would not press the Service Book except in such a fair and legal manner as would show that he intended no innovation in religion and laws. But the Scots must, as a preliminary, renounce the Covenant. He added a private instruction empowering him to suspend the Acts of Council enjoining the Service Book, to proclaim all who refused obedience rebels, and to intimate the king's intention to vindicate in person his authority by force.

Charles, it was evident, would not look at the situation through the eyes of his councillors, or even of Spottiswood, who told him that it was futile to ask for the renunciation of the Covenant. To demand its surrender was to send the marquess on a fool's errand. But might not the Commissioner be able to divide the Covenanters? His hopes were speedily blasted by Hamilton's letter. Hamilton found them by no means eager to treat at all. Not a man of them turned up at Berwick to receive and convoy him to the capital. Even at Dalkeith they refused his summons to a conference, though they turned out in their thousands from all parts of the land to show him their strength as well as

due respect, when he at length entered the capital on the 8th June. When he came to close quarters in Holyrood Palace, he discovered that the Covenanters were ready with an answer that left no room for the play of diplomacy. They had, in fact, not been idle in the interval. They had strengthened the Tables, agreed to answer any proclamation Hamilton might bring by a protestation, if it fell short of their demands, resolved not to rest satisfied with the mere suspension of the Service Book and the modification of the Commission, but to demand the revocation of the Perth Articles and the convocation of an Assembly or a Parliament, and had even, on the report of an intended invasion by a fleet and an army, taken the precaution to collect arms in self-defence. To overreach or overawe men of this stamp was beyond the wit of the royal Commissioner. When he talked of the king coming with an army of 40,000 men to enforce his will, Rothes quietly replied that "the highest of their desires was to have religion so established as men might not alter it at their pleasure heirafter, as they had done heretofore, and to enjoy the libertie of the lawes of the kingdome, and if either of these was not obtained, they would not be effrayed with the terror of threatenings." He could not even venture to proclaim the royal declaration. The Covenanters not only declared that they would protest, but built a scaffold opposite the Cross and assembled around it several thousand strong ready for action. They would not move an inch from the demands to which they had bound themselves—the abrogation of the Perth Articles, as well as the Service Book, and a free Assembly and Parliament. The utmost they would yield was to offer to disclaim, in the form of an explanation, that the Covenant was meant as "an unlawful combination against authority," and to give a positive assurance of their loyalty to the king. The Covenant, they insisted, was neither an illegal nor a rebellious combination.

At the same time courier after courier brought him letters from Charles insisting on the renunciation of the Covenant, informing him that he was preparing for war, and bidding him gain time by protracting the negotiations and dispersing the Covenanters. "I will rather die than yield to these impertinent and damnable demands," wrote he on 11th June,

"for it is all one as to yield to be no king in a very short time." "As concerning the explanation of their damnable Covenant," he added a fortnight later, "I have no more power in Scotland than as a Duke of Venice, which I will rather die than suffer. Yet I commend the giving ear to the explanation, or anything else, to win time." Hamilton could only assure him that the war would be "a difficult work and bloody," and ask leave to return in order to try to persuade him to accept the Covenanters' alternative of a Parliament and an Assembly. Charles complied, but ordered him first to proclaim his declaration (in a modified form). Hamilton, who had persuaded the Covenanters to disperse pending his journey, and had proceeded as far as Seton on his way south, returned and did as he was commanded (4th July). The declaration called forth the threatened protest, which was read by Johnstone. It complained that his majesty had ignored all their supplications, rebutted once more the charge of rebellion, and flatly denied the royal assumption of the right to establish even a modified Court of High Commission and other innovations without the consent of Parliament and Assembly.

Hamilton's mission had only aggravated the determination and defiance of the protesters. They now openly proclaimed their right to hold an Assembly in virtue of a higher authority than that of an earthly king. "This manner of dealing," notes Baillie, "has made us speak out that which was before but in the mindes of some very few—our right from God, which the prince may not in law or reason take from us, to keep a Generall Assemblie. . . . This is the highest string yet our necessities has drawn us to strike on." The spirit of resistance took hold even of the Privy Council. Lorn and Southesk refused to sign the declaration, and many of those who had signed in the morning forced Hamilton at a later sitting to tear the paper containing their signatures in pieces. If Bishop Guthry may be credited, the Commissioner himself privately gave the Covenanters to understand that they had only to persist to succeed.

Charles would fain have retaliated by marching an army across the Border to put an end to further debate. This

was the remedy of Wentworth, who presumed to talk of treating Scotland like a second Ireland, and some members of the Committee of the English Privy Council for dealing with Scottish affairs called for a declaration of war. The temper of the English people, rasped by ship-money and Laudian High Churchism, was, however, not encouraging. To raise and maintain an army to subdue Scotland would, therefore, be both an unpopular and a difficult enterprise. Hamilton was, accordingly, sent back to concede an Assembly and a Parliament. He was, however, to stipulate that the bishops should have a seat in the Assembly in virtue of their office, and that ministers who had been deprived by the Covenanters should be restored to their parishes, and those admitted without Episcopal ordination expelled. In place of the National Covenant, he was to demand subscription to the Confession of 1567, with additions specially safeguarding the royal authority as well as the laws and liberties of the country.

He found the Tables as obdurate as ever. They would not hear of Episcopal members of Assembly, which must consist solely of deputies elected by the presbyteries. The lay members of the Tables further insisted, and the clerical members ultimately agreed, that elders should be elected as well as ministers. In other words, Charles must return to the ecclesiastical *status quo* before 1606, and recognise the legislative supremacy of a free representative Assembly. Once more the Commissioner found himself in a corner, and once more repaired to London to counsel submission. On the 17th September he came a third time to revoke absolutely the Service Book, Canons, and High Commission, and suspend the Articles of Perth, and to summon an Assembly to convene at Glasgow on the 21st November and a Parliament in the following May. Even yet the Covenanters protested. Charles would not waive subscription to a covenant of his own, though he substituted that of 1581 for the Confession of 1567. They preferred their own Covenant, and declined to recognise one which, while denouncing Popery, ignored the Perth Articles, Episcopacy, and the Service Book. This poor manœuvre to redeem the royal *amour propre* failed completely. A few thousand signatures, chiefly in Aberdeen,

were all that Hamilton could obtain. The nation at large, it was evident, was no longer in a mood to take its cue from the court in these matters.

Of this determination the Glasgow Assembly gave no uncertain testimony. It may be said without exaggeration that the Scottish people was convened by representative at Glasgow. Besides the elected deputies of presbyteries, shires, burghs, universities, the convention was swelled by thousands of all classes who, in spite of a proclamation forbidding all except members of Assembly to appear, flocked to support their representatives by their presence. On the opening and subsequent days the cathedral was crammed with such a multitude that even the members had to fight every inch of their way to their seats. "The magistrates with their town guard," says Baillie, "the noblemen with the assistance of the gentrie, whiles (even) the Commissioner in person could not get us entry to our roomes (seats), use what force, what policie they could, without such delay of time and thrumbling through as did grieve and offend us." On a raised chair of state sat the Commissioner, the members of the Privy Council, including all the high officials of the Government, ranged at a lower elevation on either side and in front of him. A small table denoted the place to be occupied by the moderator or president, and the clerk. On the floor stood a long table, on either side of which sat, on rising tiers of benches, the members—ministers and elders—representing the highest and the humblest in the land—nobles, gentry, burgesses, clergy, people, as embodied in the Christian congregation. Rothes, Montrose, Loudon, Eglinton, Cassilis, Lothian, Wemyss, Burghley, Yester, Home, Lindesay, Balmerino, and others of lesser rank, such as the lairds of Keir, Auldbar, Towie, Newton, Lamington, Douglas of Cavers, were there to champion the Kirk which some of their ancestors had betrayed. Whether all were Presbyterian by conviction is a different matter, for in Scotland, as in other lands, there is too much truth in the saying that popish land made Protestant landlords, and one cannot escape the suspicion in regard to some of the Kirk's defenders that religion was, to some extent, a question of teinds and rents. There was, at any rate, no alternative for patriotic Scotsmen but to be Presbyterian as against a king

who had been so far led astray by ecclesiastical prejudice and arbitrary instincts as Charles I. had been in his dealings with his native land. "Few barons of note," says Baillie, "but were either voters or assessors; from every burgh the chief burgess; from all the sixty-three presbyteries three commissioners, except a verie few; from all the four universities also; sitting on good commodious roomes (seats) rising up five or six degrees, going roundabout the long low table. . . . At the end a high roome (bench) prepared chieflie for young noblemen, with huge numbers of people, ladies, and some gentlewomen in the vaults (galleries) above." In short the nation in miniature, in virtue of the representative principle, which the Covenanters had vindicated despite the Commissioner's intrigues, and of the eagerness to see and hear which had defied the royal proclamation, was gathered on that November forenoon within the walls of the noble edifice that bore the name of St Mungo or Kentigern, one of the earliest of Scotland's evangelists. A sermon and a prayer from Mr John Bell, the oldest minister of the Presbytery of Glasgow, prefaced the session of what, in view of its results, must be pronounced one of the most momentous conclaves in the history of the United Kingdom in these modern centuries.

The Commissioner did not venture to read the speech which he had ready in his pocket, as Rushworth erroneously says he did. "His grace did harangue none at all," says Baillie, who was there, "as we did expect he should." Not that he was diffident of his oratoric ability. "We found him oft thereafter as able to have spoken well what he pleased as any in the House." But the message which he was commissioned to announce would, he knew, steel against him the heart of nearly every man present. Charles might sacrifice the Service Book: he would not surrender the bishops. He might allow debate; they must not overstep the limits he had prescribed. The Assembly, on the other hand, was determined to assert its independence, as a legislative body, in things spiritual, as in the days of yore, to arraign and depose the bishops, and restore the Presbyterian system in its integrity. It was hopeless to expect it to recognise even the limited Episcopacy of 1606. The day not merely of reaction, but of revolution, had dawned on the land. Nemesis had come upon the subservient

instruments of an arbitrary government. All the Commissioner could do was by evasion to put off for a few days the inevitable breach. Perchance he might manage to divide the Assembly and prevent at least a minority from going the length of defying the king. To this end he objected, protested at every step during the following days. It looked as if he had come there of set purpose to limit the business of the Assembly to a series of protests and counter-protests. At all events he left a loophole open at every step for disavowing anything the Assembly might do.

On the 22nd it proposed the election of a moderator. The Commissioner called for the examination of members' commissions as an indispensable preliminary, with the object of raising the question of the right of elders to sit in an ecclesiastical assembly. "Here," notes Baillie, "did arise the teuchest (toughest) dispute we had in all the Assemblie." Rothes, Loudon, Henderson, and others insisted that the choice of a moderator was an essential preliminary to all other business. The Commissioner protested on behalf of the rights of the bishops, and proposed to read their declinator of the Assembly's authority. He was answered that nothing could be read to the Assembly before the election of a moderator. On insisting, he was interrupted with angry cries of "No reading," "No reading," from the galleries. After the uproar had calmed down, he protested anew and demanded that his assessors of the Privy Council should have the right to vote. He was told that none had a right to vote there but those deputed by the Church to do so. Thus the hours passed on in angry recrimination, "all being wearied," says Baillie, with some humour, "with the multiplication of protestations but the (interim) clerk, who with every one received a piece of gold." "We were all relieved," he adds, in reference to these tiresome sittings, "of the expense of a dinner; ane earlie breakfast put us all off to supper, for commonlie we satt ane hour with candlelight."

At last a long sitting ended with the choice of Henderson, "incomparably," as Baillie testifies, "the ablest man of us all, for all things." Henderson had once been an Episcopalian, but he had opposed the Perth Articles, and was the first of his brethren, as well as the foremost in ability, to challenge

the Service Book, and with Rothes, Loudon, and Johnstone had hitherto borne the brunt of the battle for the Covenant. With such a man in the moderator's chair, Hamilton's tactics of evasion and protest must speedily break down. He had a worthy henchman in Johnstone, whom the Assembly, despite more obstruction from its Commissioner, elected as clerk (23rd). The members' commissions were next examined, and, with a few exceptions, found in order (24th and 26th November), further protests from the chair of state notwithstanding. Thus after five days' wrangling, during which the clerk made money like water, the Assembly was ready to tackle more serious business. Hamilton tried one more device to obstruct the rising tide of defiance. On the 27th he asked the clerk to read the bishops' declinator and a couple of meagrely signed protests against the membership of lay elders. On the following day he brought in Dr Balcanqual, Dean of Durham, and, next to Laud, Charles' most trusted adviser in Scottish ecclesiastical affairs, to champion Episcopacy. Balcanqual made not the slightest impression. "In my judgment," notes Baillie, "he had done better to have been quiet; the man is quick and eloquent, but seems not to be of any profound soliditie." He was elaborately answered by the moderator, who thereafter posed the critical question, "Whether the Assembly might judge the bishops, notwithstanding their declinator?" Hamilton instantly interposed. With much profession of grief, he announced that he could not allow the Assembly to trench on this subject, and in evidence thereof he produced his majesty's ultimatum. Charles would "discharge" the Service Book, Canons, High Commission, and Perth Articles, and undertake that henceforth nothing of that nature should be introduced except in a legal fashion. He would refrain from exacting any oath from ministers contrary to that set forth in Acts of Parliament, would summon a General Assembly as often as necessary for the maintenance of discipline, and would subject the present bishops and their successors to its censure. On the other hand, he required all his subjects to sign the Covenant of 1581, and renewed the oft-made assertion that he had never intended to innovate in things religious. The assertion was so transparently false that it could not deceive the most

credulous. Was, then, the Service Book no innovation? Nay, was it not an English innovation? It was not merely Popery, but Laudian High Churchism, which in their eyes was part and parcel of Popery, that the Covenanters objected to, as Charles knew well enough. In thus obstinately shutting his eyes to the feelings and views of his Scottish subjects in this matter, he showed himself incapable of attaining an honest and satisfactory solution of the problem. The concessions he was willing to make may be allowed to have been very liberal in the circumstances, and the moderator, in reply, returned the thanks of the Assembly, and acknowledged in a very liberal degree the royal prerogative "even in Church matters." "With our hearts doe we acknowledge before God, and with our mouth doe we desire to testifie to the world how far we think ourselves obleist (obliged) to our dread sovereigne. . . . It hath been the glorie of the Reformed Churches, and we accompt it our glorie after a speciall manner to give unto kings and Christian magistrates what belongs unto their places. . . . There is nothing due unto kings and princes in matters ecclesiasticall which I trust by this Assembly shall be denied unto our king." It was in the royal power, he continued, to watch over the affairs of the Kirk, to vindicate religion, to confirm by his royal authority the Kirk's constitutions, to correct Kirkmen and compel them to perform their duties, to convene Assemblies and occupy the chief place in them. "What is Cæsar's, or what is ours," he concluded, "let it be given to Cæsar, but let the God by whom kings reigne have His own place and prerogative—by whose grace our king reigneth."

Such large powers ought to have satisfied even Charles I., and the Commissioner was fain to confess that the moderator had spoken as a good Christian and a dutiful subject.

But the Assembly, while ready to interpret Charles' ecclesiastical prerogative in a very liberal sense, was not prepared to humour him so far as to spare the bishops. From the nobles, whose privileges they had invaded, they could expect no mercy, and the clergy were almost to a man champions of Presbyterian parity. They stood charged with various delinquencies at the instance of the Presbytery of Edinburgh, and the moderator, ignoring their declinator, put

the question again, whether the Assembly was competent to judge them? Once more the Commissioner rose—this time not merely to repeat the royal inhibition, but to disown in a long harangue the Assembly itself. There had, he contended, been undue interference with the election of members on the part of the Tables. Witness two papers, which he produced, containing directions to presbyteries how to vote. How, he asked, could that be a free Assembly which had virtually been packed with the nominees of the Covenanters? Moreover, the intrusion of lay elders had no warrant in law, Scripture, or practice, and their presence consequently invalidated the Assembly.

It was a critical moment. Behind the bishops stood the king, and on the Commissioner lay the task not merely of saving them from Nemesis, but of upholding the royal authority. Charles had deliberately chosen to challenge the whole nation to forswear its convictions in a matter in which neither he nor it would compromise. He did so after a long course of devious and arbitrary conduct had driven the nation to the brink of revolt, and after concession had come too late to save the bishops. The excitement was intense, for the issue was tremendous—tremendous for both sides. A far graver crisis this than when the English Commons in 1629 insisted on their Speaker putting a resolution before adjourning, in spite of the royal command. On that occasion it was a question of privilege, with dissolution as the penalty of disobedience. At Glasgow it was a question of carrying out a revolution in the Church which must involve a civil war, if not a complete revolution in the State. The members of that Assembly knew that Charles was striving might and main to get a fleet and army in readiness to crush them and their Covenant. They knew that in a few months at most they would be called on to make good their resolution with their swords. Baillie's letters show clearly that in resolving to tear up Episcopacy root and branch they were taking their lives in their hands. The reports of military preparations, which he records, flew throughout the land, and the reports were, they knew, but too well founded. The Commissioner was equally conscious of the gravity of the situation, and tried hard to argue his opponents into compliance before conjuring the

inevitable rupture. In the long wrangle which ensued he strove to narrow the issue to the question whether they would obey the king or not. There had been much searching of heart, as Baillie's letters show, over the question of the lawfulness of resistance, and men like Baillie had been busy reading the opinions of the Reformers in order to fortify their minds for the ordeal.

"I stand to the king's prerogative," concluded Hamilton, after a lengthy altercation, "as supreme judge over all causes, civill and ecclesiasticall, to whom I think they (the bishops) may appeale, and not let the causes be reasoned here."

Hereupon Argyll (formerly Lord Lorn), though not a member, craved liberty, as a Privy Councillor, to dissent from the course taken by the Commissioner, whose intrigues he at the same time indirectly reproved. "I was called to this Assembly by his majesty's command; but now, being come, I desire to clear myselfe that my pairt has been fair in everything that I know—neither as flatterer of the king's grace, nor for my own ends. I have not striven to blow the bellows; but studied to keepe matters in as soft a temper as I could, and now I desire to make it known to you that I take you all for members of a lawful Assemblie and honest countriemen." Thus, at the supreme moment, the man who was to be the virtual King of Scotland for the next dozen years opportunely emerged on the scene. Though his speech did not shake the Commissioner's resolution, it contributed to brace the Assembly to hold its ground. The Covenanters had gained not only "the far most powerful subject in our kingdom," as Baillie calls him, but the ablest politician of his day.

Still Rothes made one more appeal to the Commissioner to forbear. Hamilton was inexorable. "I cannot stay now," he curtly retorted. Rothes, therefore, intimated a protest. "We are most unwilling to present it," said he entreatingly, "and would rather entreat your grace to propone your scruple and exceptions against this Assemblie that they may be cleared. If your grace will not, but will depairt, we must protest that your grace has depairted without a just reason." Taking no notice of this final appeal, Hamilton at last uttered the fatal words. "I make a declaration that nothing done

heir in this Assemblie shall be of any force to bind any of his majesty's subjects, and I, in his majesty's name, discharge this court to sit any longer." As he moved from his seat, the voice of the clerk was heard reciting the reasons why the Assembly could not admit his objections, or dissolve at his command. In particular, they denied that the king or his Commissioner could arbitrarily dissolve the Assembly, since his majesty's prerogative in spiritual matters was limited by the privileges and liberties of the Kirk, which were ratified by Parliament, and which he had sworn at his coronation neither to diminish nor infringe. They protested their loyalty, but they claimed to be the supreme ecclesiastical judicatory of the land, and declared that they would continue their session till they had resolved all matters with which they were entitled to deal. In conclusion, they summoned the prelates and the Privy Councillors who had misled the king to their detriment to answer at the bar of the Assembly and the Parliament, respectively.

The silence which fell on the Assembly as Johnstone sat down was broken by the moderator, who firmly emphasised their right in the name of God to meet and deliberate there, in spite of royal inhibitions, and bade them take courage and be faithful to their charge. Member after member rose to second the exhortation. Lord Erskine and others in the gallery craved to be allowed to join the Covenant, and then, in answer to the moderator's query, the whole Assembly (half a dozen members excepted) solemnly promised to continue in session till they had finished the business laid on them. Finally the Assembly, with only four dissentients, answered the moderator's question as to its competency to judge the bishops in a ringing affirmative.

To the protestation Hamilton replied on the morrow with a proclamation prohibiting the Assembly from further deliberation on pain of treason, declaring such deliberation null and void, and commanding the members to disperse within twenty-four hours. The ubiquitous Johnstone was again on the scene to repeat at the Market Cross the protest which he had recited in the cathedral the day before.

It is useless to waste indignation on this rupture, either for or against the contending parties. It is sufficient to note

that it was a foregone conclusion. Hamilton had come there to obstruct, the Assembly to insist, and the collision followed as a matter of course. Charles' idea of a free Assembly was certainly peculiar. It meant no more than an Assembly which would refrain from doing what he had determined it should not do. The Assembly, on the other hand, claimed to represent the nation and to carry out a national policy. There might be flaws here and there in the elections; some overbearing of conscientious scruples where Episcopacy had its adherents. But the Covenant was undoubtedly a national movement, the Assembly no mere faction seeking to impose its will by intrigue and intimidation. The bishops had but few supporters, and they deserved no support. Episcopacy had had a fair chance—more than a fair chance—and had failed to hold its ground. With all the influence of the king and the Government as well as the powers of the High Commission to back it, it had taken no firm hold on clergy or people, and the conduct of the bishops, especially in these recent years, had filled the cup of national reaction to overflowing. Prudence might, therefore, have suggested to Charles the necessity of yielding to the national will, so unequivocally expressed in petitions, protests, National Covenant. He had, it may be admitted, conceded much, and he might well think the Covenanters unreasonable and exacting. They certainly were unreasonably dogmatic, viewed from the standpoint of a more tolerant age. But Charles was not a whit less dogmatic in his belief in Episcopacy than these Covenanters in their belief in Presbytery. He believed, too, in the divine right of kings as absolutely as the Covenanters believed in the divine right of Presbytery, and he considered Episcopacy as an indispensable adjunct of this belief. He believed, too, in the High Commission; and those who admire his liberality, as compared with the benighted Covenanters, should remember the fact. To us, at least, there is no preference to be accorded to one side or the other in the matter of dogmatism. The Presbyterian could not suffer the Episcopalian, the Episcopalian could not abide the Presbyterian. Hence the inevitable rupture, as soon as the Presbyterian felt himself strong enough, as he now was, to throw down the gauntlet to his opponent.

But one thing is clear. Charles did both himself and the Presbyterians an irreparable injury in persisting in regarding the Covenanters as factious and disloyal because they insisted on righting their wrongs. The Covenanters were as loyal, though not so servile as the Episcopalians. They had, too, their grievances—grievances that were not merely ecclesiastical, but national, political. Charles set the patriotism as well as the religious feelings of his Scottish subjects on edge, and the bishops had done their best in pandering to a high-handed, unnational policy to incur the odium of this policy. Episcopacy was, in fact, in the present temper of the nation, absolutely impossible. Charles had not to deal with a mere enterprising faction, but with an angry nation, and his grand error consisted in refusing to see that he must sacrifice the bishops to the nation. Had he been a statesman, and not an opinionated visionary on the throne, he would have made up his mind to give the nation satisfaction in this matter. He might appeal to conscience, but it was not for the conscience of one man to override that of a whole people. Scotland, at least, was not the country to stand such experiments, and certainly the expedients adopted by Charles' representative at Glasgow were not fitted to make the experiment a success. Hamilton's arguments against the legality of the Assembly were not only weak, they were frivolous. To argue that the Assembly was illegal because lay elders were not entitled to a seat in it, was to invite the retort that the Assemblies of 1606, 1610, 1617, in which laymen had voted in subversion of Presbytery, were equally illegal—nay, that the Reformation itself was indefensible. In view of the tactics of both Charles and his father, in carrying out their ecclesiastical policy, the Commissioner might be thankful if he was not roundly told that it was not for King Charles or his representative to speak of underhand dealings.

The immediate sequel may be briefly told. With determined deliberation the Assembly proceeded to settle accounts with the bishops, who were accused, *inter alia*, of having broken the Caveats of 1600. It not only deprived, but excommunicated the two archbishops and six of their fellow-prelates. It deposed the remaining four. It abjured Episcopacy and banned it out of the Kirk, annulled the six

previous Assemblies from 1606 onwards, condemned the Service Book, the Canons, the Five Articles, and the High Commission, reinstated the victims of the Commission, re-established the Presbyterian constitution according to the "Second Book of Discipline," confirmed the Covenant with suitable additions, and, finally, on the 20th December supplicated his majesty to be pleased to ratify these Acts in the Parliament to be convened in the following May. It was in the circumstances an unconscionable supplication. Charles was sharpening his sword and vowing vengeance. The suppliants knew right well what they had to expect. They had done the work of the Lord, and they feared not the face of man. "We have now thrown down the walls of Jericho," said Henderson in conclusion; "let him that rebuildeth them beware of the curse of Hiel, the Bethelite."

SOURCES.—Same as for the preceding chapter, except Calderwood's History, which finishes at 1625. Additional —Register of the Privy Council of Scotland, vols. vi. and vii., edited by Hume Brown; Letters and Journals of Robert Baillie, Principal of Glasgow University, edited by D. Laing for the Bannatyne Club, vol. i. (1637-41); Rothes, A Relation of Proceedings Concerning the Affairs of the Kirk of Scotland (August 1637-July 1638), presented to the Bannatyne Club by Jas. Nairne. These two works are invaluable contributions from the Presbyterian point of view. Gordon, History of Scots Affairs, 1637-41 (Spalding Club). Gordon's History, like Spalding's History of the Troubles, views events from the Episcopalian standpoint. Rushworth, vol. iii.; Hamilton Papers, edited by Gardiner for the Camden Society (1880); A Large Declaration Concerning the Late Tumults in Scotland, by the King, written under Charles' direction by Dr Balcanqual, and giving Charles' view of the conflict. The Presbyterians strongly rebutted many of its assertions as untrue and calumnious, and it requires to be checked by the accounts of the opposite side. Records of the Kirk of Scotland, edited by Peterkin (1838), containing, besides the Acts of the Glasgow Assembly, a valuable contemporary account of the debates. Burnet, Memoirs of the Dukes of Hamilton (1673), edition of 1852, containing selections from Hamilton's letters,

but written in an extremely partisan spirit. Memoirs of Bishop Guthry (Bishop of Dunkeld under Charles II.), 2nd edition (1748); Scotch Troubles (1637-41); Original Papers from Hamilton Archives, State Paper Office, &c., in Hardwicke State Papers (1778); Clarendon, History of the Rebellion, vol. i.; Sprott, Scottish Liturgies in the Reign of James VI.; Aiton, Life and Times of Alex. Henderson (1836); Mark Napier, Life and Times of Montrose (1840) (exceedingly one-sided); Willock, The Great Marquess (Argyll) (1903), written at times in too apologetic a tone; Gardiner, History of England, viii. and ix.; Masson, Drummond of Hawthornden (1873).

CHAPTER XIII.

War between Charles and the Scots (1639-1640).

Charles took no notice of the Assembly's supplication, and the Covenanters determined to appeal from the king to the English people (14th February 1639). They rebutted as "a most untrue and damnable aspersion" the assertion that they were seeking, under cloak of religion, to change the form of civil government and invade England. They professed the most brotherly sentiments towards their English fellow-subjects, and they implied that Charles was being misled by Laud and his abettors to subvert by his innovations the Protestantism of England as well as Scotland. Finally, they appealed with confidence to the English sense of justice and fair play. "We do assure ourselves that if the States of the Parliament of England were convened, and the whole progress of this business faithfully represented unto them, they would, without doubt, be so far from censuring or condemning what we do that they would be moved to become petitioners to his sacred majesty on our behalf, and approve of the equity and loyalty of all our proceedings in this cause."

Charles was maddened by this exposure at the bar of English public opinion, and replied by a proclamation on the 27th February, denouncing the Covenanters as rebels and traitors. The whole thing was the work of "unquiet spirits," "men of broken fortunes," "desperate hypocrites," who only aimed at their own advantage. For him the question was no longer "whether a Service Book is to be received or not, nor whether Episcopal government shall be continued or Presbyterial admitted; but whether we are their king or not?" If Charles had inserted a qualifying adjective he would have stated the question aright. The question was not,

whether he should be king or not; but whether he should be absolute king or not. He followed up this angry missive by the publication of "A Large Declaration concerning the late Tumults in Scotland," in which Dr Balcanqual gave, in 430 folio pages, the royal version of the quarrel of the previous two years.

Charles now meant war in earnest. The summons had, in fact, already gone forth for an army to assemble on the northern Border, under the Earls of Arundel and Holland, in the spring. Want of funds forced him to reduce the estimate of 30,000 to about 12,000. Five thousand more were to take ship with Hamilton for Aberdeen, the stronghold of Episcopacy, join with Huntly's clansmen, and march on Edinburgh, crushing the Covenanters *en route*. Antrim was to land in Argyleshire with some thousands of Irishmen, and blow the feud between Campbells and MacDonalds into flame; Wentworth at Dumbarton with more Irishmen. On the east coast, Pennington's fleet would bar the ingress of ammunition and supplies from Holland and ruin the trade of Fife and the Lothians. Nay, veterans were to be hired from the Spanish Netherlands in order to steady the English levies. Thus from the south, west, north, and east the Covenanters would be hemmed in and slaughtered, or driven to sue for mercy.

The snare was skilfully laid. Charles forgot that it might not please the Covenanters to step into it. Every Covenanting pulpit sounded the alarm throughout the land. "The pulpits," said Burnet, "did ring with the ruin of religion and liberties; and that all might look for Popery and bondage, if they did not now quit themselves like men." The Covenanters had also elaborated their plan of campaign, and they did not, like Charles, ruin it from the outset by selecting an incapable generalissimo like Arundel. In General Alexander Leslie they chose a man whose ability had won him the rank of field-marshal in the Swedish army in Germany. They formed a Committee of War in every county to raise men and money, and within a few weeks Leslie could count on 30,000 men, many of them veterans who had served in the German war, for the defence of the Covenant. They brought large supplies of arms and

ammunition from Holland, Sweden, and Germany. They had, however, no intention of using their strength against England. Their object was, as they stated in letters to the mayors of Berwick and Carlisle, to defend religion and liberties against their aggressor.

Nor did they draw the sword in a merely captious, rebellious spirit, though their royalist maligners, they complained, could not find words hard enough to stigmatise their action. They were loth to fight against their king, they protested in a representative letter to the Earl of Newcastle, if means could otherwise be found of safeguarding the rights of Scotland.

Charles expected much of Traquair, Roxburgh, Douglas in the south, Huntly in the north. Of these, Huntly alone attempted anything serious. Traquair surrendered at Dalkeith without a blow. Roxburgh and Douglas slunk over the Border. Montrose hurried to Aberdeen, secured Huntly, and brought him a prisoner to Edinburgh. Worse still, the Covenanters managed to seize Edinburgh and Dumbarton Castles. Already, before Charles had fired a shot, two-thirds of his plan of campaign had been blown into the air. There would be no landing at Dumbarton and Aberdeen, no royalist concentration from the west and the north to threaten the rear of Leslie's army, while Charles crossed the Border to press it in front. Instead of sailing to Aberdeen, Hamilton was forced to drop anchor in front of Leith. Once more he had only doleful messages to send. Leith was so strongly fortified, and so numerously held, that he could not risk an attack. Nay, such was the spirit of determination that the Covenant had aroused, that his own mother rode in and swore to shoot him with her own hand, if he attempted to land. Against this exalted spirit, the policy of "bluff" which he adopted was not of the slightest avail. The magistrates of Edinburgh refused to publish his proclamations commanding the submission of the lieges, in spite of the threatening roar of his cannon. "Your majesty's affaires are in ane desperate condition," he wrote. In proof thereof, he enlarged on the numbers, organisation, and determination of the Covenanters, whilst his own men, he was fain to confess, could not even handle, let alone discharge their muskets.

His only expedient was to advise the king "to think of some way of patching it up." A week later he was able to report that his men had at least got the length of learning to handle their weapons, but he was in danger of starvation if victuals were not immediately forthcoming. After the lapse of another week, he tells the king that the Covenanters were determined to fight him on the Border, and advises him to shun a battle and try negotiation. The news of a successful skirmish between a party of the loyalist Gordons and the local Covenanters at Turriff—the Trot of Turriff—brought a spurt of courage, and he was ready on the strength of it to carry out the initial plan of a landing at Aberdeen. The engagement is noteworthy as the first exploit of a war that was to lengthen into many campaigns, and to involve England as well as Scotland in a terrible strife. It did not in the slightest retrieve Hamilton's desperate position, for Montrose was quickly on the scene, recaptured Aberdeen from the Gordons, and imposed the yoke of the Covenant on it anew. Nor had Charles himself, who had advanced to the Birks, near Berwick, in the end of May, been able to affect anything likely to retrieve it in the Border region. His army was pitiable both in numbers and quality—a sure prey for the veterans who in the beginning of June encamped on Duns Law to fight under Leslie "for Christ's crown and Covenant." He was, to quote Clarendon, inclined "to regard the pomp of his preparations more than their strength." He looked at the tents of the Covenanting host on the hillside through a telescope. At first he thought their numbers not very formidable. But their numbers grew, and what was more important than mere numbers, discipline and enthusiasm reigned in their camp, where "that old, little, crooked soldier" held absolute sway over even the proudest nobles of the land. "Leslie," wrote Sir Edmund Verney, "has now the title of soverain amongst them, and the best lord amongst them sits at a great distance below him." Two days later, after Holland's reconnaisance towards Kelso, which ended in disgraceful panic, Charles was convinced that there was no alternative but to negotiate or retreat. He chose to negotiate, with a mental reservation suggested by Hamilton in favour of Episcopacy, and the Covenanters saved his dignity so far as to

send the Earl of Dunfermline with a petition to this effect. In the negotiations which followed, their commissioners, who included Rothes, Loudon, Dunfermline, Henderson, Johnstone, asked for the ratification of the Acts of the Glasgow Assembly. Charles refused, but he offered to confirm the declaration of his Commissioner at Glasgow anent the Service Book, &c., and to ratify in Parliament whatever a new Assembly should decree. With this concession the commissioners were fain to be content. They further agreed to disband their army, cancel the Tables, and restore the royal fortresses in return for the withdrawal of the king's forces by land and sea (Treaty of Berwick, 18th June 1639).

The treaty did not restore cordial relations between king and people. Charles was loth to sacrifice the bishops, and in the proclamation summoning the Assembly he directed them to appear as members. Once more the proclamation was answered by a protestation, and high words passed between the king and Rothes at an interview at Berwick on 17th July. The Covenanters on their side did not straightway dissolve the Tables or disband their whole army, and maintained the fortifications of Leith intact. The Pacification of Berwick was, in fact, only skin deep, and though Traquair, who took Hamilton's place as Commissioner, allowed the Assembly that convened in August to abolish Episcopacy and all its concomitants as "unlawful," and renew and even make compulsory the Covenant, with the addition of a loyal explanation, Charles was none too pleased with his compliance, and was secretly bent on undoing it at the first opportunity. This was amply apparent in the obstructive tactics which Traquair, by his directions, adopted in the Parliament which met under his presidency on the last day of August. Parliament was in as revolutionary a mood as the Assembly. Under the leadership of Argyll, it not only demanded the abolition of Episcopacy, as decreed by the Assembly, but claimed, in the name of the liberty of Parliament, the right of each estate to elect its representative members to the Lords of the Articles. In other words, the members for shires and burghs should have their due share in the deliberations of a body which monopolised the deliberative rights of Parliament and whose members had hitherto been nominated by the

crown, the nobility, and the bishops. Furthermore, the appointment of governors of fortresses should henceforth be subject to the approval of the Estates. Charles must not only sacrifice the bishops; he must unequivocally submit to the limitation of his undoubted prerogative, even in temporal matters, by Parliament.

To save himself from a revolution in the State as well as the Church, he ordered Traquair to prorogue the rebellious Estates. The Estates, on the other hand, claimed the right to prorogue themselves, and protested that the Commissioner's conduct was not only a violation of the constitution, but a breach of the agreement at Berwick. They sent Loudon and Dunfermline to present their grievances to the king. Charles refused to see them, and it was not till the beginning of March 1640 that, in response to a second petition from Edinburgh, he allowed them to state their case in the presence of a committee of the English Privy Council. Loudon, after stoutly protesting against the assumption of an English committee to sit in judgment on the Scottish Parliament, contended that the proceedings of both Parliament and Assembly had been in accord with the Pacification of Berwick, and asked the king to ratify them. Charles ultimately retorted in a lengthy declaration that the Covenanters, not he, had broken the Pacification, insisted strenuously on his prerogative, and inveighed against the Acts of the Covenanters both within and without Parliament as seditious. He made use of a letter from the Covenanting leaders to the French king, addressed "au roi," and asking his assistance, as one more incontestable proof that the Scots had broken faith with him, and were determined to reduce his authority to a shadow. Nevertheless, if they would profess penitence and crave pardon for the past, he would deal with them as a just and religious prince. If not, he would once more unsheathe the sword to compel their obedience. As an earnest of his determination no longer to be trifled with, he sent Lord Loudon to the Tower, and but for the entreaties of the Marquess of Hamilton, would summarily have sent him to the block, as one of the signatories of the letter to the French king.

Charles was naturally indignant that the Covenanters

should not only arraign him before his English subjects, but invite the interference of Louis XIII. The letter had, however, never been sent, but even if the Scots had gone the length of despatching the epistle to Louis, Charles might have chastened his indignation by the reflection that he had not only received letters from Louis' Huguenot subjects, but had actually, at their request, intervened by force of arms on their behalf. Moreover, the letter had been written when the Scottish people were exposed to the invasion of an English army and fleet directed by the King of Scotland! If Charles, as King of Scotland, might make use of an English force to reduce his rebellious kingdom, why should not the Scottish people in self-defence seek to renew the old Franco-Scottish League? An English army, though led by a Scottish king, had no more business in Scotland than a French one, especially as the Covenanters disclaimed any hostility to England. Their quarrel was with the King of Scotland, not with the King of England, and in matters of internal policy, Scotland was absolutely independent of England. Charles might not think so, might continue to offend Scottish feeling by governing it largely through an English Council, of which Wentworth was the leading spirit. So much the worse for Charles. The fact that he not only rejected the protest of the Scottish Parliament and answered it by the threat of renewed war, but did so by the advice of a committee of which the supercilious Wentworth was the soul, made the renewed rupture only more certain. If the Covenanters could have got a glimpse of Wentworth's letters to his master, in which he presumed to treat Scotland as a second Ireland, they would have derived very strong arguments for their insistence on the strongest possible guarantees of their rights and liberties. A military despotism was Wentworth's answer to the appeal to these rights and liberties. In view of such a contingency, they had in fact some weeks previously done what they had hesitated to do before. They not only drew up, but despatched a second letter asking for Louis' mediation. Charles, on his side, was forced to do what only absolute necessity wrung from him. He took Wentworth's advice, and summoned the English Parliament with a view to a second campaign against Scotland.

What is known as the Short Parliament accordingly met at Westminster on the 13th April 1640. The Lord Keeper Finch expatiated at Charles' command on the treason of the rebellious Scots, who had presumed to address themselves to a foreign power. In proof thereof he produced and read their letter to Louis XIII. In order to forestall these nefarious designs, it was absolutely indispensable to give precedence to supply before grievances. The Commons were by no means so nervous as the Lord Keeper, and could not see, as Finch pretended to see, in the superscription of the terrible epistle "au roi" a deliberate intention to substitute Louis for Charles as King of Scotland. They simply ignored the letter, and took up the accumulated grievances of eleven years of arbitrary government, as contained in petitions from a number of counties. The lesson of the petitions was powerfully enforced by Pym, and the hope of obtaining an immediate grant vanished. In spite of repeated appeals from Charles to hasten supply, coupled with the offer to surrender ship-money, they continued to amass and discuss abuses, relative to religion, property, and the rights of Parliament. Charles tried the effect of an appeal to the Lords. The Lords agreed that supply should have precedence of grievances, and exhorted the Commons to do likewise. Neither this exhortation, nor the news that blood had already been shed at Edinburgh, in a skirmish between the garrison and the citizens, availed to shake their resolution. They proposed to draw up a petition asking him to be reconciled to the Scots. To prevent this, Charles on the 5th May abruptly pronounced sentence of dissolution.

He had recourse once more to ship-money and loans. He was met not only with sullen refusals, but with active resistance in many parts of the country. London would not hear of a forced loan of £200,000; ship-money came in only in driblets, in spite of prosecutions and imprisonments; coat and conduct money was grudgingly given, or not at all; many of the levies of the counties mutinied and deserted; a number of the counties declined to send their full contingents. People and king were plainly at cross purposes, and even the cry of a Scottish "invasion" failed to rouse any patriotic response. The anger and disappointment at the dissolution of Parlia-

ment, without redress of grievances, were so intense that the people in general was resolved that Charles should flounder out of the quagmire in which he had landed himself as best he might. From all quarters came the dismal news that the people would, for the most part, neither pay nor arm. "The money I have received," wrote the Sheriff of Hertford to Nicholas on 30th May, "is so invaluable a sum that I have forborne as yet to pay it, and am heartily sorry that I cannot better advance his majesty's service." "The city of London, Kent, Surrey, Essex, Hertfordshire, Buckinghamshire, and Bedfordshire," wrote Northumberland to Conway on the 13th June, "are so damnably restive that I doubt we shall not get near our numbers of men from these places." These are but two samples of many communications that might be quoted from the State Papers of the period.

Charles would assuredly need more than he could press out of an unwilling people by arbitrary means, if the news which ere long came from Scotland proved true, and if he was to remain king on his own terms north of the Tweed. The Scottish Parliament, such was the unwelcome news, had met at Edinburgh without asking the royal permission, or troubling itself about the absence of the royal Commissioner, and, with Lord Burghley as its elected president, and Argyll, Rothes, Johnstone as leaders, had ratified the Acts of the Assembly, deprived the bishops of their seats, decreed triennial Parliaments and free discussion of all measures presented by the Lords of the Articles, directed that each Estate should choose its own members of this committee, appointed a commission of the Estates to conduct the administration, and finally prorogued itself to the following November. In little more than a week it had operated a constitutional revolution, "for in effect," to quote Sir James Balfour, "it overturned not onlie the ancient State Government, but fettered monarchie with chains, and set new limits and marks to the same, beyond which it was not legally to proceed."

From deliberation the Scots proceeded to deeds. While Argyll and General Monro were commissioned to overawe the royalist north (Argyll taking the opportunity of settling accounts with his personal enemies, Athole and Airlie, with no credit to the Covenanting cause), Leslie was busy muster-

ing his well-equipped army of 25,000 men once more near Duns Law, and on the 20th the covenanting host, with Montrose in the van, crossed the Tweed at Coldstream. Manifestoes had preceded it protesting that the aim of the invaders was not conquest, but redress of grievances, which Parliament had failed to obtain, and the punishment of evil counsellors like Laud and Wentworth. It would not plunder or exercise force against the people of England; it would pay for everything it needed. "We are constrained at this time to come into England," declared its leaders in "The Information from the Scottish Nation to all the true English," "not to make warre, but for seeking our relief and preservation. Duetie obligeth us to love England as ourselves; your grievances are ours; the preservation or ruine of religion and liberties is common to both nations; we must stand or fall together. . . . We are brethren: your worthy predecessors, at the time of the Reformation, vouchsafed us their help and assistance. We have for many years lived in love; we have common desires of the purity of religion and quietness of both kingdomes; our hopes are to see better days in this island."

On this mission it continued to tramp southwards, while Charles and Wentworth, now Earl of Strafford and commander-in-chief, moved northwards to York, with a force half the size of the invading army, to reinforce that of Conway at Newcastle. The lack of confidence and initiative in the royal army was complete, and Conway's lieutenant-general in the command of the army of the north was fain to confess that England virtually lay at the mercy of the Scots. "It were good we made peace," wrote Conyers to his superior officer, "for we are not overfit to make war." Besides, Leslie was too quick for the realisation of the combinations of Charles and his faint-hearted generals. By the 28th August he had reached the ford of Newburn on the Tyne, four miles west of Newcastle, to find Conway with about half his force occupying a couple of earthworks on the southern bank and prepared to dispute his passage. A few shots from the Scottish cannon cleared these works of their defenders; a cavalry charge, which followed the fording of the river, sent the English horse fleeing to Durham and the English infantry pell-mell back to Newcastle. When the Scottish advance guard reached New-

castle next day, Conway had withdrawn to Darlington, and the object of the campaign was practically attained. From the Tweed to the Tees the country was in the hands of the Scots, and, worst of all, they were not unwelcome visitors to the majority of the people. "I am persuaded," wrote Sir Edward Osborne on the 14th August to Conway, "if Hanniba were at our gates, some had rather open them than keep him out." From London, too, came a petition signed by twelve peers—not against the Scots, but for the summoning of a new Parliament, the redress of the grievances which it enumerated, the punishment of evil counsellors, and the conclusion of peace. It was presently backed by another from the city of London, couched in even stronger terms. In Scotland, Edinburgh and Dumbarton had fallen into the hands of the Covenanters. One answer only was possible, and from Charles that answer was at last wrung. Parliament should be summoned once more. This answer he ruefully gave to the great Council which he had summoned to York, but which had proved powerless to cope with the situation (24th September). In the meantime commissioners met at Ripon to settle provisional terms with the Scots, and ultimately agreed that the Scottish army should remain for two months in possession of Northumberland and Durham and receive for its maintenance a contribution of £25,000 a month, pending the completion of the negotiation at London (Treaty of Ripon, October 1640).

Charles had applied to Scotland the high-handed policy in Church and State which seemed to have succeeded in England, and he had evoked a whirlwind of resistance which had proved too strong for either his diplomacy or his arms to quell. James had been aggressive enough in his ecclesiastical policy, but he had at least made a show of respecting constitutional forms, had sought the nominal sanction of Parliament and Assembly at every step. Moreover, he had taken warning from the formidable opposition in the Parliament of 1621, and had refrained from aggravating the rising reaction into revolution. He knew "the stomach of that people," and kept the dictatorial, meddlesome Laud at arm's length. As it was, he left the country seething with ecclesiastical rancour and strife, and the outlook was by no means reassuring for the stability of the Episcopal system.

The opposition of 1621 reappeared in the Parliament of 1633, and the Act of Revocation had only made it more formidable in the interval. Charles mistook it for a mere faction, and imagined that he had struck terror into it by the prosecution of Balmerino. The smallness of his majority in the Parliament of 1633, in spite of his personal efforts to influence votes, might have opened his eyes to the danger of such an assumption. He continued, nevertheless, to act on this assumption until it became patent even to himself that he had not a faction, but a nation to deal with. There was no blinking the fact at last—the Covenanters were substantially the Scottish people. Charles had succeeded in rousing national feeling in Scotland as it had not been roused since the days of Bannockburn. To represent the National Covenant as the mere product of a few malcontent nobles is to misread the signs of the times. It would be nearer the truth to say that Charles and Laud produced the National Covenant. They made of the ecclesiastical a national question. The Covenanters might band themselves together for a religious purpose. They might fight for "Christ's Crown and Covenant." They were none the less fighting for what their fathers had fought at Bannockburn—for the right to be an independent people. Nay, the issue was wider even than this. It was not merely a national as well as an ecclesiastical question. It became a constitutional one. The Covenanters petitioned and protested on behalf of law and liberty in the State as well as the Kirk. They challenged the abuse of arbitrary government all along the line. They opened afresh on Scottish soil the constitutional conflict which Charles believed he had settled to his own satisfaction south of the Tweed. The Scottish Parliament, in fact, took up the quarrel which the English Commons had been deprived the opportunity of continuing. It invoked the liberty of Parliament. It claimed the right to limit the prerogative, as applied to temporal as well as ecclesiastical affairs. It inveighed against the doings of the royal ministers, and demanded their punishment. It practically took the government of the country out of the king's hands and invested it in a committee of the Estates. In so doing it only interpreted the dominant public opinion of the hour. Most significant of all, the nation at its

summons did not hesitate to carry its defiance to the length of armed resistance. And twice in succession Charles was forced to own himself beaten, and yield to its demands, whether ecclesiastical or political. In two short campaigns Scotland had taught him what all the eloquence of an Eliot, all the erudition of a Coke had failed to do in England, that the national and not the royal will was supreme in these matters.

In the eyes of Royalist writers, Scotland, in so doing, was guilty of heinous disloyalty and presumption. Despite these Royalist writers, it must be evident to every impartial mind that Scotland had taught the autocratic Charles Stuart and his meddlesome English advisers throughout this business a very salutary lesson. As King of England, he might venture to dictate to the English nation in matters ecclesiastical. He was supreme governor of the English Church, and he could order his bishops to do what seemed to him good to the glory of God and the advantage of His supreme representative in the realm. As King of Scotland, he might appeal to the Act of a subservient Parliament to justify his inherited claim to the same attribute. But even this subservient Parliament had not gone the length of abolishing the Assembly as a recognised legislative body in things ecclesiastical, and whatever the formal extent of his prerogative, he had solemnly undertaken to preserve the liberties of the Kirk. The Kirk had not humoured James so far as to dispense with its right to be consulted by both bishops and king in General Assembly. James had recognised the fact; his son had tacitly ignored it, and he had been drastically reminded that he had pushed his arbitrary experiments beyond the verge of endurance. Scotland had respectfully, but firmly told him that it would not allow him or his English advisers to dictate to it in matters of conscience, and its blood once up, it had defied him sword in hand rather than submit. And once on the war-path, it was determined to reap the full advantage of its success, and ensure that neither in Church nor in State should there be a repetition of these arbitrary tactics. A section of the Covenanters of the type of a Montrose, actuated partly by jealousy of other leaders, might hesitate to go all the length of their principles, and beat a retreat. The

large majority that followed Argyll insisted on nothing less than the reduction of the Stuart kingship within strictly constitutional limits, and even on the imposition of new limits on the royal authority. Their doing so was only natural in the circumstances. Indeed, from the practical point of view, they would have been fools if they had not taken all the advantage they could to secure what they deemed the interest of their country. Argyll might possibly be scheming to serve his own interests at the same time. Montrose by contrast might be an idealist, though there is reason to believe that he was not above personal considerations, whether as Covenanter or anti-Covenanter. The same might be said of others of the Scottish nobility, alike of those who drew the sword for or against Charles. But there was far more in this movement than personal considerations, and he must be blind indeed who does not see in it an uprising, both on religious and political grounds, against the system that Charles represented in England, and would fain have enforced in Scotland.

And herein, on a broad survey of its bearings, lies its perennial significance. As an ecclesiastical quarrel, it may fail to rouse enthusiasm in these enlightened days; it certainly does not particularly interest us. With the intolerance of the Covenanters we have not the slightest sympathy, though we should try to bear in mind that we cannot expect from these men more than the age warrants us to expect. But, with all their narrow dogmatism, they represented a great cause. Let us not forget that in nearly every country of Europe the trend was towards the establishment of absolutist principles on the ruins of inherited law and liberty. In France and Spain, in the Italian and German States, the would-be absolute potentate was busy repressing every right that stood in the way of autocratic government. In England even, this would-be absolute potentate had apparently succeeded in blotting Parliament out of the constitution, and had raised armies and collected fleets as if the House of Commons had ceased to wield the power of the purse. It was reserved for stout little Scotland to play the part of David against the pretentious Goliath of absolutism. The triumph of this plucky little David was

the first real check in these modern times to absolutism since the Dutch had thrown defiance in the teeth of Philip II. In the one case, as in the other, we see a small folk, reared on the strong meat of Calvinism, risking destruction rather than yield to the dictation of a ruler who, at the same time, was the sovereign of another and a more powerful nation, and who could command the resources of the stronger nation in the attempt to enforce his will on the weaker. In the one case, as in the other, the failure of the attempt was complete. In Scotland in the first half of the seventeenth century, as in Holland in the second half of the sixteenth, absolutism received a knock-down blow. And the effects of the blow were not confined to Scotland; they were potently felt in England itself. The constitutional effects of the Dutch revolution, on the other hand, were limited to Holland. Philip remained as absolute in Spain as ever. Not so in the case of the Scottish revolution. Charles' failure to play the autocrat in Scotland involved his ultimate failure in England. The Scottish revolution is the prelude to the English revolution. The Scots did not exactly import the revolutionary spirit into England; the elements of revolution were there in plenty already. But they hastened the rupture between Charles and his English subjects. They forced him to summon Parliament to deal with a situation which had passed beyond his control, and their example fired England with the determination to do likewise—to strike at the autocratic government of which Englishmen as well as Scotsmen had been the victims. The Puritans, whose loyalty Charles and Laud had done so much to alienate during the previous decade, welcomed the invaders, in fact, as allies in a common cause. In their manifestoes to "Their Brethren of England," the Scots emphasised the fact of this community of interest between the two nations. Such was their confidence in the sympathy of their English fellow-subjects, that they appealed for the justification of their cause to the English Parliament. Nor was their confidence without substantial ground in the secret communications which had passed between them and the Puritan leaders before they set foot across the Border. They were assured of, at least, the connivance of these leaders.

The letter which Lord Savile wrote in the names of his fellow-malcontents turned out, indeed, to be a forgery. Savile had no warrant thus to engage Bedford, Essex, Brooke, Warwick, Saye, Mandeville to active co-operation, and, on his own subsequent confession, counterfeited their signatures to a declaration to this effect. But if they were not prepared to go the length of rebellion, they had undertaken, in a letter of whose genuineness there is no reason to doubt, to support their cause in "a free Parliament." The success of the invaders rendered this support rather gratuitous. But it made the summoning of a free Parliament in England an absolute necessity. In bringing matters to this pass, the Scots had not only achieved one revolution; they had begun another.

SOURCES.—Same, for the most part, as for the preceding chapter, with the addition of Lords' and Commons' Journals, and Parliamentary History, for the Short Parliament; State Papers, 1639-40, edited by W. D. Hamilton; Diary of Johnstone of Warriston (1639), edited for Scottish History Society by G. M. Paul (1896); The Verney Papers, edited by Bruce for the Camden Society (1883); Notes of the Treaty at Ripon, taken by Sir John Borough (Clerk of the Commissioners), edited by Bruce for the Camden Society (1869); Oldmixon, History of England, gives the communication between the English malcontents and the Scots, which Dr Gardiner, differing from his predecessors, accepts as genuine. Mandeville's account of Savile's forgery and the recriminations to which it led with the Scots is given in Nalson's Impartial Collection, vol. ii., 427-429. I have also consulted No. 15,567 Add. MSS., British Museum, which contains a full account of the negotiations with the Scots that resulted in the Treaty of Ripon, and also the confession of Savile's treachery. I am indebted to my friend and former student, Miss E. Steele Hutton, M.A., for copying this MS. for me.

CHAPTER XIV.

The Long Parliament—Attack on Abuses and Impeachment of Strafford (1640-1641).

"I am resolved to put myself freely and clearly on the love and affection of my English subjects." Such were the words with which Charles, on the 3rd November 1640, opened the memorable assembly at Westminster, known as the Long Parliament. "Very pleasing to them all was that gracious expression," notes the Parliament's secretary and historian, Th. May. The success of the Scots left him, in truth, no other alternative.

It had been a rude prompting that forced him virtually to disown his policy of dispensing with Parliament in the face of the assembled representatives of the nation. The announcement was no doubt "very pleasing" to his hearers, but it is permissible to doubt whether, in this matter, Charles was a sincere penitent, whether, in fact, he felt any penitence at all. The thought uppermost in his mind was of "the rebel" Scots, and the chief business of Parliament was evidently "the chasing out of these rebels." Charles, indeed, mentioned grievances and promised his hearty concurrence in their removal. His chief anxiety was that Parliament should help him out of the quagmire in which he was floundering. The Lord Keeper strove, in a laboured speech, to emphasise the fact. He had much to say of the sins of the rebellious Scots and of the superlative virtues of his excellent majesty. He did not even mention the grievances of his majesty's English subjects. Parliament was, apparently, merely a second French States General to be summoned to the rescue when the king had governed the country into the abyss. The business of this Parliament more particularly was to side with the king against the Scots and get them, by treaty or otherwise, forthwith beyond the Border.

Charles speedily discovered that to the Parliament the Scots were not rebels, but allies in a common cause. To the people at large, they were, as Conyers confessed to Conway, "esteemed friends." He was fain, therefore, to come down to the Lords two days later and substitute "my subjects of Scotland" for the opprobrious term which had given offence to the Parliament as well as the Scots. Parliament was in truth in no hurry to move "the rebels" across the Border. "The rebels" were master of the situation, and their presence would enable it to dictate terms to the king. The grievances of Englishmen would be the sooner redressed the longer the Scots remained on the Tyne and the Tees. "Far better it were," said Sir Edward Hales, "the Scots come unto us than the devil should raise his arms to overthrow us in both Church and commonwealth." Once more, therefore, as so often before, grievances must be considered before supply could be granted even to pay off the Scots. Of these grievances there was a positive deluge. For several days petitions rained on the House of Commons, petitions from individuals—the victims of High Commission and Star Chamber tyranny—from counties, from Ireland. A veritable storm of parchment rolls burst upon the House as member after member, Mr Cappel, representing Hertford county, in the van, rose to present the complaints of his constituents. Many of the bearers of these petitions were by no means new to the work, and the leaders of the Petition of Right Parliament — Pym, Rudyard, Seymour, Holles, Strode, Hampden — were there to champion law, liberty, religion, property once more. Pym, among others, thundered against the Government (7th November). He spared Charles; he presented a terrible indictment against his ministers. "No imputation is laid upon the king for any irregular actions, but upon them that he entrusted." What these "irregular actions" were he showed by a searching review of the abuses of the past eleven years of autocratic rule. The privileges of Parliament had been "broken" by the restraint of free debate, the imprisonment and unfair trial of members, arbitrary dissolution; religion endangered by the suspension of the recusancy laws, and the introduction of popish innovations in the Church; liberty and

property had received mortal thrusts by the arbitrary administration of the laws, arbitrary taxation, and other expedients insupportable in a country with a Parliamentary constitution. In Pym's eyes the history of the previous eleven years had hopelessly discredited absolute rule, and Parliament must take measures to make a repetition of the experiment impossible. The remedy lay in a return to legal, constitutional government; not in revolutionary innovations. Pym was no republican, as Eliot had been no revolutionist, no republican before him. He would undo the mischief by restoring the law to its place. "Though we have good laws, yet they want their execution, and if they are executed it is in a wrong sense." There was, in fact, a conspiracy to subvert the constitution both in Church and State. "There is a design to alter the kingdom both in religion and government. This is the highest of treasons. . . . This concerns the king as well as us; and that I say with reverence and care of his majesty." Before he sat down, he pointed at Strafford as the grand abettor of this traitorous design. "Our fear is from Ireland. The Irish army is to bring us to a better order. We are not fully conquered."

Rudyard, Bagshaw, Culpepper, Holland, Digby, Grimston, who took part in the debates of these opening days, were equally indulgent towards the king, equally uncompromising in their condemnation of autocratic government, whether in theory or practice. Charles, they assumed, had only to be shown the errors and crimes of the past to decide to eschew them and join hands with his Parliament in remedying them. But if the king was assumed to be guiltless of the rampant evils in Church and State, which orator after orator denounced in the most sweeping terms, his ministers must pay the penalty. Rudyard, indeed, who inveighed as fiercely as his fellow-orators against Popery and persecution in the Church, misgovernment in the State, would have been satisfied with the dismissal of evil counsellors, and a radical reform of the abuses for which he held them responsible. "I am not *Vir Sanguinum;* I love no man's ruin; I thank God I neither hate any man's person, nor envy any man's fortune. Only I am zealous for a thorough reformation in a time that exacts it. Which I humbly beseech this House may

be done with as much lenity, as much moderation, as the public safety of the king and kingdom can possibly admit."

Bagshaw and Grimston struck a fiercer note. "What then must be done?" cried the former. "Why, what the plaister cannot do must be done by the saw. *Ense recidendum est*, &c.; I cannot better English it than in the words of a king, 'Let them be cut off in their wickedness that have framed mischief as a law.'" "Mr Speaker," concluded Grimston, "this is the age that hath produced and brought forth Ahithophels, Hamans, Wolseys, Empsons, and Dudleys, Tresilians and Belknaps, vipers and monsters of all sorts; and I doubt not but when his majesty shall be truly informed of such matters as we are able to charge them withal, we shall have the same justice against these, which heretofore hath been against their predecessors, in whose wicked steps they have trodden."

Charles had thus to face in England a situation similar to that which he had created in Scotland. On political and religious grounds the mass of the nation was in a distinctly combustible mood. As evidence of this fact these petitions and speeches are absolutely conclusive. Only drastic reform in Church and State could prevent a revolution south of the Tweed similar to that which the Covenanters had accomplished to the north of it. The same revolutionary elements were at work in England as in Scotland. In England Charles had presumed to ignore the rights of Parliament even more flagrantly than in Scotland. The English Parliament was a far more formidable body than the Scottish Estates, and yet he had ventured to ignore its existence for over a decade. He had encroached on the property and liberty of the subject, as if Magna Charta and the Petition of Right were mere waste paper. And he could not even plead the success of the experiment to justify his autocratic procedure. If these petitions meant anything, they meant that Charles' personal government had been a miserable failure. Strafford's and Laud's "thorough" methods had simply driven the nation into the arms of the rebellious Scots, and reduced both king and nation to impotence in the face of a Scottish invasion. "They (Strafford, Laud, &c.) speak highly of the king's power," cried Rudyard; "but they have made it a miserable power that produceth nothing but weaknesse to both the

king and kingdome . . . they have almost spoiled the best instituted government in the world; for sovereignty in a king, liberty to the subject — the proportionable temper of both—makes the happiest state for power, for riches, for duration."

England could not, indeed, complain that Charles had ignored the rights of the General Assembly as well as of Parliament. An English Convocation was not a Scottish General Assembly. But England did complain that Charles had forced on it innovations in religion which Parliament claimed, but had been denied the right to sanction or refuse, and thus, practically, in this matter of innovations England had the same grievances to resent as Scotland. These High Church innovations, against which the orators inveighed so bitterly, had been introduced in spite of the claims of Parliament to be consulted. Ecclesiastically and politically, therefore, the situation that confronted Charles in England in 1640 was nearly identical with the situation that had confronted him in Scotland these two years past. The nation was practically united in resisting religious as well as political abuses, and in demanding, through its representatives, a sweeping reform in Church as well as State. And in face of this critical situation he could only rely, in England as in Scotland, on the support of a court and clerical faction.

These Puritan orators, it may be admitted, exaggerated the religious abuses against which they inveighed. Pym's and Rudyard's denunciations of Laudian innovations seem, in fact, but an echo of those of the Covenanters. For them, as for the Covenanters, these innovations are rank Popery. They can see in Laud's aggressive High Churchism only a veiled crusade in favour of the pope. There was doubtless exaggeration in this exegesis, as there was doubtless exaggeration in the rumours that flew about of direct intrigues with Rome for the same purpose. Neither in England nor in Scotland had Charles and Laud really been innovating with a view to the restoration of Popery, and they were not intriguing with papal agents to this end. So much must in fairness be said in their defence in the face of this Puritan outcry at Westminster. They could justly retort that these Puritan orators were misrepresenting their aims and misinterpreting the scope of

their actions. On the other hand, it is clear even to us that some of these innovations were distinct aberrations from the Reformation spirit, and denoted what might almost be regarded as a morbid tendency to magnify the letter at the expense of the spirit. To the Puritans this tendency was sufficiently hateful. That it savoured of Popery was intolerable, and though it did not necessarily mean a return to Popery, the Puritans could quote the opinions of Romanists in support of their conviction that it did so. "Let them not say," cried Rudyard, "that these are the perverse suspicions and malicious interpretations of some few factious spirits amongst us, when a Romanist hath bragged and congratulated in print 'that the face of our Church begins to alter, the language of our religion to change.' And Sancta Clara hath published 'that if a synod were held, *non intermixtis Puritanis* (setting Puritans aside), our articles and their religion would soon be agreed.' They have so brought it to pass that under the name of Puritans, all our religion is branded, and under a few hard words against Jesuits all Popery is countenanced."

The Puritans might be mistaken in their interpretation of the aims and motives of their opponents; they certainly had cause to complain of the treatment meted out to them by these opponents. In England, as in Scotland, Charles and Laud had not only ignored the fact that these High Church practices did constitute Popery in the eyes of a large majority of the nation; they forced the compliance of this majority to these "popish" innovations in the face of an opposition which had again and again found decisive voice in Parliament as well as in the nation. Nay, they had embittered the Puritan conscience by a persecution far more rigorous than that which for a quarter of a century had steeled the hearts of the Scottish Presbyterians against Episcopacy and all its concomitants. They had made use of the powers of the Star Chamber, as well as the High Commission, against Puritan recusants, and the cruel fate of a Leighton, a Prynne, a Burton, a Bastwick, now rose up in judgment against them. They had succeeded, besides, in forfeiting the sympathy of many who were not rabid Puritans, and who were ere long to refuse to follow the lead of a Pym, a Rudyard. Even Digby

and Culpepper joined in the general invective against the Canons, recently promulgated by Convocation, which accentuated the divine right of kings, as well as the High Church principles of the Laudian school, and exacted an oath—the Et Cetera oath of popular ridicule—to maintain the doctrine and discipline of the English Church.

We need not be surprised, in view of this temper, that Laud as well as Strafford found a place in these speeches in the category of evil counsellors. The king might still be inviolable in Puritan eyes. There was no thought of inaugurating a revolution at the throne. But that Charles may be saved, his ministers, ecclesiastical as well as secular, must pay the penalty. "The beginning of this Parliament," notes our scribe, "seemed a little doomsday." Strafford's turn came first. He had foreboded his doom, and had only reluctantly yielded to Charles' pressing request to attend Parliament. He pleaded in vain both the inexpediency of such a course to the king and its danger to himself. Charles was confident of his power to protect him and made light of his fears. "The Parliament," he replied, "should not touch one hair of his head." Strafford was sceptical, nevertheless, and on his arrival from the army in the north, on the 9th November, resolved to anticipate the indictment which he feared by accusing the leaders of the Parliament of treasonable communications with the Scots. Pym was too quick for him. Having got a hint of his intention from friends at court, he suddenly rose in his place on the 11th, informed the House that he had a matter of grave importance to bring before it, and asked that strangers be excluded and the doors locked. This done, he called on Sir John Clotworthy, an Englishman of Ulster, who had been elected member for Malden, to make a communication involving Strafford in a charge of high treason. The House promptly nominated himself, St John, Hampden, Strode, Erle, Digby, and Clotworthy as a committee to draw up a charge. The charge thus hastily framed it approved, in spite of Lord Falkland's plea for a fuller inquiry. Such an inquiry, urged Pym, would mean delay, and delay would only invite a dissolution. Prompt action on their part would at least put it out of Strafford's power to do them this mischief, as he

certainly would seek to do. The doors were accordingly unlocked, and Pym stalked forth, followed by a crowd of members, to accuse their arch-enemy of high treason at the bar of the Lords, and to request that meanwhile he might be committed to custody. The Lords were equally prompt in dealing with the emergency, and, we fear it must be added, equally precipitate. In palliation of their precipitation, it should be remembered that they too shared Pym's belief that Strafford was too dangerous a man to be left at large. For both sides it was simply a case of who should strike first. Here is the description of the scene from the letters of Baillie, who wrote an account of it to his wife in Scotland a week later, and whose story is far more trustworthy than that of Clarendon, whose memory evidently failed him after the lapse of so many years. Pym and his fellow-Commoners being removed, "The Lords," he tells us, "began to consult on that strange and unexpected motion. The word goes in haste to the Lord-Lieutenant, where he was with the king. With speed he comes to the House. He calls rudelie at the doore. James Maxwell, Keeper of the Black Rod, opens. His lordship with a proud, glouming countenance, makes towards his place at the boordhead; but at once many bids him void the house. So he is forced in confusion to goe to doore till he was called. After consultation, being called in, he stands; but is commanded to kneel, and on his knees, to heare the sentence. Being on his knees, he is delivered to the Keeper of the Black Rod, to be prisoner till he was cleared of these crimes the House of Commons did charge him with. He offered to speak, but was commanded to be gone without a word. In the outer room, James Maxwell required him, as prisoner, to deliver his sword. When he had gotten it, he cries with a loud voice for his man to carrie my Lord-Lieutenant's sword. This done he makes through a number of people towards his coach, all gazing, no man cuffing (uncovering) to him, before whom that morning the greatest of England would have stood discovered; all crying, 'What is the matter?' He said, 'A small matter, I warrant you!' They replied, 'Yes, indeed, high treason is a small matter.' Coming to the place where he expected his coach, it was not there; so he behoved to returne that same way through

a world of gazing people. When at last he had found his coach and was entering, James Maxwell told him, 'Your lordship is my prisoner and must go in my coach.' So he behoved to do."

A fortnight later the prisoner was removed from the custody of Black Rod to the safer keeping of the Lieutenant of the Tower.

The hands of the Commons fell with equal heaviness, though not so swiftly, on other abettors of Charles' autocratic régime. On the 18th December the Commons once more went forth in procession, led this time by Holles, to accuse W. Laud of the crime charged against Strafford, and to demand his provisional imprisonment. Once more the Lords promptly complied, and Laud, after passing into the custody of Black Rod, ultimately found, like Strafford, a lodging in the Tower. Secretary Windebank, the patron of Papist recusants, and the medium of the queen's intrigues with Rome, was more fortunate, if less courageous, and gave his inquisitors the slip by a timely escape to France. Lord Keeper Finch, the hated champion of ship-money, had sufficient hardihood to face the Commons and defend his conduct in a lengthy harangue. He pleaded the royal command in justification of all his actions, disavowed responsibility for the policy which he had been instrumental with others in carrying out, and asserted that he had honestly done what he considered to be his duty in all the offices he had held. His rhetoric failed utterly to convince the men who knew the tactics to which he had stooped, as Lord Chief Justice of the Common Pleas, to secure a verdict for the king at the expense of both property and liberty, and who remembered the scene of 1629 when, as Speaker, he persisted in obeying the command of the king against the will of the majority of the House. His very eloquence told against him. "Had not this syren so sweet a tongue," exclaimed Alex. Rigby, "surely he could not have effected so much mischief in this kingdom." *Fiat Justitia*, therefore. Finch saw that he had expended his eloquence in vain, and slipped away in disguise to Holland before the Commons had time to launch the charge of treason against him. It was not till three weeks after his flight that Falkland appeared before the Lords to proclaim him a traitor *in absentia*.

More mercy was shown to the lesser delinquents in Church and State. Two of Laud's High Church brethren on the bench, Bishops Wren of Ely and Piers of Bath and Wells, were bound over in large sums to appear when called on to answer for their anti-Puritan zeal. Six of Finch's fellow-judges, who had concurred in the ship-money judgment, were similarly admitted to bail, and only one of them, Sir R. Berkeley, was subsequently arrested as he sat on the bench and imprisoned on a charge of treason. The Commons did not hesitate to strike even at their own members, and expelled all the more obnoxious monopolists from the House. On the other hand, they set at liberty the victims of persecution in Church and State, and Leighton, Lilburne, Prynne, Burton, Bastwick returned in triumph to testify at their bar against their persecutors and receive compensation for their injuries. The Lords were equally prompt in demanding justice for Bishop Williams, who, at their instigation, was restored both to liberty and to his see.

In the midst of this crusade against the abettors of autocratic government, the Commons found time to deal the first blows at some of the abuses from which the nation had suffered under their régime. "Never such a Parliament in England," wrote Baillie on the 12th December, "all is to be rectified, for all is much out of right." They began on the 9th November with the condemnation of monopolies. A month later they unanimously resolved that ship-money was an illegal exaction, and quashed the judgment against Hampden (7th December). "These persons," cried Falkland, in a scathing indictment of the judges, "who should have been as dogs to defend the sheep, have been as wolves to worry them." Falkland had no patience with the legal subtleties with which the judges had sought to veil their servility. They had, he contended, in despite of the Petition of Right and the clearest decisions of Parliament, done their utmost to make of the free English nation a nation of villeins, and it was in the name of freedom, as well as property, that he demanded, and the House agreed to the condemnation of their fateful judgment. Nor was the resolution a mere class protest. It was not merely in the name of the propertied classes that Falkland denounced illegal exaction. It was the

sworn duty of the judges to do equal justice to all. "The greatest person in this kingdom," cried he nobly, "cannot (legally) continue the least violence upon the meanest."

With equal unanimity they resolved on the 15th and 16th December that Convocation had no power to make Canons, in doctrine or discipline, without consent of Parliament, and that those lately promulgated were contrary both to the royal prerogative and the rights of Parliament. Holbourne ventured, indeed, to claim for Convocation legislative power similar to that of a Scottish Assembly, but the absolutist principles and the Et Cetera oath, to which Laud and his school had thirled the Church, were too dangerous to find any quarter in the eyes of his fellow-orators, and the resolution passed *nemine contradicente*. Never apparently was the theory of divine right, whether of kings or bishops, at so low an ebb. "Mr Speaker," cried Nath. Fiennes, the Puritan Lord Saye's son, "we all know that kings, and states, and judges, and all magistrates are the ordinances of God, but, sir, give me leave to say they were the ordinances of men before they were the ordinances of God." Before this matter-of-fact Puritan spirit, the nimbus was about to disappear from the head of the king as well as the bishop.

In these resolutions, the revival of what we might call the Parliamentary consciousness is unmistakable. It was not enough, however, in condemning these abuses, to resolve academically that Parliament possessed rights. It was essential to guarantee their exercise for the future. This, urged Digby, on the 19th January 1641, is the *Unum Necessarium*, the one thing needful. "Unless for the frequent convening of Parliaments there be some such course settled as may not be eluded, neither the people can be prosperous and secure, nor the king himself solidly happy. I take this to be the *Unum Necessarium*. Let us procure this, and all our other desires will effect themselves." There must be no further attempts at prerogative government, no more arbitrary dissolutions. The king must regularly summon Parliament; he must be guided by its will; he must not allow himself to be led away by ministers of the "thorough" type into unconstitutional courses; he must yield up these "ill ministers" to condign justice, give himself into the hands of a loyal Parliament. Good govern-

ment can only be attained by restoring the harmony between crown and Parliament, and if only this harmony can be restored a new era of happiness and prosperity for both king and nation will dawn upon the land. So much even those who were to become the staunchest loyalists were determined to exact; so much Charles must unequivocally yield. There was as yet no fear of serious friction, least of all of a revolution. The king has only been wrongly led for want of a Parliament to lead him aright. To this end Strode had already, on the 24th December, moved a Bill for annual Parliaments on the lines of the statute of Edward III. It was moved a second time on the 30th by Oliver Cromwell. Before the third reading on the 19th January, however, it had been transformed into a Bill for triennial Parliaments. The Lords were asked to agree and Charles to enact not only that a Parliament should be held once every three years, but, in order to frustrate all evasion, that the Lord Chancellor should, within six days of the expiry of the third year, be bound on oath to summon the peers and issue writs for the election of the Commons. In case he failed to do so, the peers should assemble in virtue of this Act, and in his stead issue writs for an election. In case, further, the sheriffs of counties should refuse to proceed to an election, the electors were empowered to convene and choose their representatives notwithstanding. Moreover, any person attempting to hinder these elections, by proclamation or otherwise, was liable to severe penalties. Finally, the Parliament thus convened should not be dissolved or prorogued till fifty days at least after the first day of meeting, and with the consent of both Houses as well as the king. Nor could it be adjourned during the same period except by the free consent of the members.

No language could be more explicit. The king must either call a Parliament every three years, or Parliament would do it in spite of him. No plea of prerogative would henceforth be allowed to deprive the nation of the opportunity to review the administration at stated intervals. Prerogative must square with the national will in this matter, or the national will would simply ignore it. Charles did not relish this alternative, and summoned both Houses to the Banqueting Hall at Whitehall to inform them of the fact

(25th January). He was ready to sanction all necessary reforms, but he could not consent to any limitation of his authority. "I shall willingly and cheerfully concur for the reformation of all innovations both in Church and commonwealth. . . . For my intention is clearly to reduce all things to the best and purest times in which they were in the time of Queen Elizabeth. . . . There is a Bill lately put in concerning Parliaments. The thing I like very well to have, frequent Parliaments; but to give power to sheriffs and constables, and I know not whom, to use my authority, that I cannot yield to."

Still, as ever, out of touch with his age. Charles I. should have been born in the days of Henry VIII. It was as if he had, Barbarossa like, slept a century in the cave of absolute monarchy, and waking up in the generation of an Eliot and a Pym, could not recognise the world in which he would fain imagine himself. "The time of Elizabeth," not to mention the time of a Henry VIII., had long ceased to be the constitutional ideal of the English nation. Both sides had, in fact, overpassed the Elizabethan age. The champions of prerogative had pushed the doctrine of Divine Right to the length of ignoring Parliament, which Elizabeth had been too wise to do. The champions of Parliament had, on the contrary, persistently appealed from prerogative to legal right. For nearly three hundred years, that is, since the reign of Edward III., Englishmen might legally claim to be regularly convened by representation at Westminster, and in demanding triennial Parliaments they were keeping well within the limit of their legal rights. What was new was that it should no longer be in the king's power to prevent them from exercising this right on any pretext whatever, not even of prerogative.

Three weeks later Charles was fain to comply. The four subsidies which the Commons offered along with the Triennial Bill made the sacrifice less poignant. The joy of London, which rang its bells and blazed into bonfires in celebration of the event, might also have lessened his chagrin. It was something to be thankful for, that after so many years of sullen silence the voice of popular rejoicing was heard once more in the land in celebration of his majesty's goodness. For Charles, however, it was not pleasant that these bells

were ringing and bonfires blazing as much in recognition of the victory of Parliament as of the royal goodness. Moreover, to many his compliance was simply an act of justice, not of generosity. "It was," said they (to quote the Parliamentary scribe), "not so much as by law they might require, there being two statutes then in force for a Parliament once a yeere."

So far the Commons were practically unanimous. The abuses of the previous ten years of personal government must be eradicated, and the resolution against ship-money was only the forerunner of resolutions against the other props of that government — the Star Chamber, the High Commission, the Council of the North. Parliament must, too, be guaranteed against "intromission." It was more difficult to attain agreement on the question of religion. The reaction against the bishops reached its climax in the petition presented by Alderman Pennington, on the 11th December, in the name of 15,000 of his London fellow-citizens. It was followed later on by petitions from Kent and other counties and by a remonstrance signed by 1,000 ministers. The London petition asked for nothing less than the abolition of Episcopacy, "roots and branches." The men of Kent would similarly be satisfied only with "the total abrogation of the hierarchical power." The ministers asked for at least, a thorough reformation of the abuses rampant in the Church. The London petitioners adduced many grievances against which the Puritan conscience might well rebel, more especially the introduction of innovations against the people's will and the persecution of nonconformists. They rightly condemned the divine right of Episcopacy as detrimental to the rights of both king and Parliament. At the same time, the note of harsh dogmatism, the lack of charity towards opponents which characterise it were not fitted to commend it to moderate men, and the demand for the radical overthrow of Episcopacy in favour of Presbyterianism was simply to throw down the gauntlet to those to whom the Episcopal tradition was dear. All were agreed that reformation was necessary in the Church, as in the State. A large number refused to go the length of a root and branch revolution. On the 8th of February, therefore, when

Digby rose to denounce the petition, and on the following day, the members for the first time found themselves involved in hot debate *pro* and *contra*. Digby, Falkland, Hyde, Grimston, Culpepper, Strangways, and others were arrayed against Root and Branch champions like Fiennes, Bagshaw, Cromwell. Digby did not spare the bishops. He would clip their wings, would make it impossible for them for the future to bring in innovations at their pleasure, and oppress and persecute the best of the clergy for resistance to their arbitrary government. The persecutions of the last dozen years were, he admitted, sufficient to drive the people to madness. "For my part, I profess I am so inflamed with the sense of them that I find myself ready to cry out with the loudest of the 15,000, 'Down with them!' 'Down with them!' even to the ground." Yet the abuse of the Episcopal function was no adequate reason for the abolition of Episcopacy itself, and he could not stand either the form or the substance of the petition. It evidently offended his aristocratic instincts. It was not for a multitude of men to prescribe to Parliament, and it was for Parliament to beware of being led away by the passion of the mob. Moreover, the petition was a comet with a terrible tail pointing towards the north, and he would be no party to the substitution of Presbytery for Prelacy. Not only would this be to substitute one tyranny for another; it would endanger the monarchy itself. "I am confident that instead of every bishop that we put down in a diocese, we shall set up a pope in every parish . . . and I do not think a king can put down bishops totally with safety to the monarchy." He would retain, while reforming, the Episcopal order, and he trusted to triennial Parliaments to prevent the recurrence of the abuses of which the petitioners complained.

Falkland, Grimston, and others were equally severe on the tyranny and usurpation of the bishops, equally emphatic on the necessity of trenchant reform. But they, too, believed in historical Episcopacy and in the power of Parliament to check the abuses of the Episcopal jurisdiction. Presbyterianism, they conceived, was neither accordant with the feeling of the nation nor with the Parliamentary control over the Church, which they deemed necessary.

Very different was the tone of Fiennes in reply to Digby. He had no nervous fear of popular pressure. If it was desirable to change the law, the fact that many desired the change only afforded a stronger reason why it should be changed. He saw no evidence in the petition of a desire to dictate to Parliament, and Parliament was bound to give due consideration to the will of the people, respectfully expressed. He refused to believe that Episcopacy was the primitive form of Church government. "So far as the Acts of the Apostles and the New Testament goeth, which was the ancientest and most primitive time of Christianity, I could never find there was any distinction between a bishop and a presbyter, but that they were one and the very same thing." It was not, however, necessary, in abolishing Episcopacy, to substitute Presbytery. Let the king, as head of the Church, transfer their jurisdiction to a body of commissioners appointed by himself. Apart from the abuses of Episcopal government, its principle was, he contended, absolutely incompatible with the civil constitution of a country like England. Its principle was autocratic, and the autocratic principle was, he declared, dangerous in a free monarchy. "In the civil government every man, from the greatest to the least, hath some share in the government, according to the proportion of his interest in the commonwealth. But in the government of the Church all is in the hands of one man in the several dioceses . . . and he exacts canonical obedience to his pontifical commands with a total exclusion of those that, notwithstanding, have as much share in the Church, and consequently as much interest in the government of it, as they have in that of the commonwealth. Sir, until the ecclesiastical government be framed something of another twist, and be more assimilated unto that of the commonwealth, I fear the ecclesiastical government will be no good neighbour unto the civil, but will be still a casting in of its leaven into it, to reduce that also to a sole, absolute, and arbitrary way of proceeding. And herein, sir, I do not believe that I utter prophecies, but what we have already found and felt."

It was a forcible argument in the circumstances. The bishops had in England, as in Scotland, been the abettors of arbitrary courses both in Church and State. It was, however,

very questionable whether the mass of the English nation was prepared to admit Fiennes' conclusion that Episcopacy in principle was incompatible with Parliamentary government, and a large minority in Parliament certainly was not ready to acquiesce in logical legislation of this sort. As the debate proceeded party feeling accordingly waxed excited and angry, and threatened to bring the work of reform to a deadlock. The Root and Branch men insisted on pressing the question of the abolition of Episcopacy. They would not hear of the rejection of the petition, and demanded that it should be remitted to a committee with a view to legislation on the lines suggested by it. The more conservative members strenuously resisted, in the interests of monarchy as well as Episcopacy. They raised the old cry of No bishop, no king, and fell foul of Presbytery as a government of anarchy. "If we make a parity in the Church," cried Sir John Strangways, "we must at last come to a parity in the commonwealth. The bishops are one of the three estates of the kingdom, and have a voice in Parliament." To Cromwell this was mere prejudice, and he did not hesitate to say so in his bluntest fashion. "I know no reason," retorted he, "of these suppositions and inferences which the gentleman has made that has last spoken." The remark was by no means offensive, but Cromwell's tone and gesture must have betrayed the contempt he felt for such sophisms, and angry cries, "To the bar," greeted the sally. Pym and Holles tried to calm the clamour by asking Cromwell to explain himself, whilst D'Ewes protested against the unfairness of calling members to the bar for such trivialities. Cromwell stood his ground. "He could not understand why the gentleman that last spoke should make an inference of parity from the Church to the commonwealth. . . . He was more convinced touching the irregularity of bishops than ever before, because like the Roman hierarchy they would not endure to have their condition come to a trial."

Ultimately, the House decided by a majority to remit the petition, leaving the question of Episcopacy in abeyance in the meantime. The result was a resolution on the 10th March that the legislative and judicial power of bishops in the House of Peers was prejudicial to the commonwealth, and

ought to be abolished. It was followed by another on the 11th, condemning the exercise by bishops or other clergymen of the office of justice of the peace, or judges in the Star Chamber, or any civil court. Bills embodying these resolutions were at the same time ordered to be drawn up.

The moderate reformers had thus carried it over the Root and Branch men, but for the present the progress of the Bills was impeded by the impeachment of Strafford. By the middle of March the Commons were at last ready with the evidence which was to prove him a traitor, and on the 22nd of that month Pym and his fellow-managers appeared in Westminster Hall to open the case against him. Besides the Commons, the Commissioners of Scotland and Ireland were present as accusers. Strafford stood at bay before the enmity of three nations. Many there had been present at the impeachment of Bacon and Middlesex, but these trials pale into insignificance in comparison with that of a man who to three nations was the incarnation of all that was oppressive and hateful in Stuart absolutism. So sensible were the representatives of these nations of the power of this proud, masterful spirit, that his accusation was a question of life and death, not merely to Strafford, but to his accusers. The mighty Lord-Lieutenant must be crushed if England, Scotland, Ireland were to breathe freely. His acquittal would mean to them the doom of those reforms on which hung the welfare of the commonwealth. Hence the intense interest attaching to the scene that for six weeks kept the nerves of England on the stretch, and formed for the accused man a long agony. "So great it was," notes May, "that we can hardly call it the trial of the Earl of Strafford onely; the king's affections towards his people and Parliament, the future successe of this Parliament, and the hopes of three kingdoms depending on it, were all tried when Strafford was arraigned."

Unfortunately for the accused, it was hardly possible that he should obtain a fair hearing, and still more unfortunately, he had done his utmost to make himself the victim of a people's vengeance. He had identified himself with a hated system of government, and though he was technically not guilty of treason, he must atone for the system which he

represented. Stuart absolutism must be condemned, and if Charles was inviolable, Strafford must atone for his inviolability.

The indictment consisted of twenty-eight articles. The first two charged him with illegal and oppressive conduct in his capacity as President of the Council of the North. The next seventeen bore on his government of Ireland. As Lord-Deputy or Lord-Lieutenant, he had governed Ireland as a conquered nation, which the king was at liberty to rule as he pleased. Witness the arbitrary treatment of the Earl of Cork, Lord Mountnorris, Lord Dillon, and others. He had further been guilty of exaction and corruption for his own benefit, and had more especially ruined the trade of the country by his corrupt patronage of monopolists. In prosecution of his arbitrary designs, he had not refrained from using military force against the king's Irish subjects, had maintained an army of Papists to overawe the Protestants, and had abused the royal authority in establishing his own tyranny. The remaining articles dealt with his malignant interference in the affairs of England and Scotland. He had, for instance, laboured by every means in his power to frustrate the Pacification of Berwick and incite war between the king and the Scots. He had raised an army in Ireland not merely for service against the Scots, but with the intention of employing it to subvert the laws and established government of England itself. He had, moreover, advised his majesty that, failing the grant of an adequate subsidy by the English Parliament, he should levy by prerogative whatever taxes he deemed necessary, and that in so doing he would stand exonerated in the sight of God and man. In this spirit he had procured the dissolution of the Short Parliament without redress of grievances, had thereupon actually counselled the employment of the Irish army to coerce the people of England, and had adopted unconstitutional and oppressive expedients for the purpose of prosecuting the Scottish war. Finally, as Lieutenant-General of the English army, he had failed to defend the country from a Scottish invasion, and had nevertheless laboured to engage the two nations in a bloody and ruinous war.

In all these things the Commons discovered indubitable

proofs of "an intention and endeavour to alienate and withdraw the hearts and affections of the king's liege people of all his realms from his majesty, and to set division between them and to ruine and destroy his majesty and his said kingdoms." Such intention and endeavour Strafford most strenuously denied, and it was to make good the interpretation of the Commons and refute the contention of the accused that Pym, Maynard, Whitelock, and others pressed the indictment at the bar of the Lords. On technical grounds it was impossible, without manifest twisting of words, to make good this interpretation. Strafford was indubitably guilty of aiding and abetting arbitrary, autocratic government. He had devoted all the force of a strong personality to the task of autocratically ruling Ireland and helping to rule both England and Scotland after the same fashion. Such government was contrary to the constitution in all three kingdoms, but it had the sanction of the king, and to arraign Strafford was really to arraign Charles himself. He had conspired neither against the life nor the throne of his sovereign, but had devoted his great ability to strengthen his authority on both sides of the Irish Sea. In so doing he had indeed helped to drive Scotland into rebellion, and roused the spirit of rebellion in England, but he had done so in asserting what he himself believed and what Charles believed with him to be the rights of the crown against a disloyal nation. Technically, therefore, there was no treason to the king in doing what was practically the royal will, and it was only in the inference that his actions had been detrimental to the real interests of the king as well as the people that there was any force in the contention of his accussers. He had been the abettor of a system which had roused rebellion in Scotland and bred rebellious discontent in England and Ireland, and had endangered the stability of the throne in all three kingdoms. Legally, however, this was not treason, and it would have been more equitable if his accusers had merely charged him with attempting to subvert the constitution and left the description and punishment of his crime to the discretion of his judges. By not doing so they really weakened their case, for Strafford had no difficulty in proving that the charges against him did not come within the scope of the law of

treason. Moreover he defended himself with such skill and resource that many of the counts of the indictment were clearly untenable. Pym's representation of his Irish administration as that of a corrupt tyrant was, in truth, an exaggeration. His régime had been in many respects beneficial to Ireland. It was that of a reformer rather than a tyrant, and the reformer found both scope and reason for his activity. Overbearing and forceful he might be, but if tyranny consists in the ruinous oppression of a country, tyranny was not the name for his reforming régime. Individuals might indeed suffer; the nation as a whole prospered. The development of shipping and industry, a considerable surplus in the Irish Exchequer, which even his accusers were forced to admit, argued strongly in favour of the material benefits that Ireland owed to his government. Moreover his accusers made no allowance for the difficulty of governing a country like Ireland. They totally failed to understand the situation, and made the mistake of treating Ireland as if it were a second England. They spoke of the privileges and rights of the Irish Parliament as if it had been a national representative assembly. They forgot that the Irish Parliament represented but an alien English and Anglo-Irish faction, and that Strafford had other interests to consider besides those of a few factious magnates who constituted themselves the Irish people. They might exclaim against his blunt assertion that Ireland was a conquered nation, and that charters and laws were subject to the royal discretion. It was not of the wrongs of the conquered Irish that they were thinking; they had not a single word to say on behalf of that unfortunate race which had been the victim of the aggression of the faction that claimed a monopoly of rights and privileges. It might be true that, as governor of Ireland, Strafford had "set will above law," but Pym and Maynard forgot that the law in Ireland was made by a faction for the benefit of a faction, and that the will of a strong reforming ruler was likely to be more just towards the native population than that of a few Anglo-Irish magnates. Arbitrary imprisonment and confiscation were no doubt execrable, but they did not necessarily mean in Ireland what they would have meant in England. It was not for men who ignored the rights and wrongs of the Irish people to sit

in judgment on the man who had to face a situation which they did not understand or in fact care to understand, and who called in question both their facts and their inferences as mere party statements.

Nor were they more successful in substantiating the charge of treason in the counts referring to English affairs. They were, indeed, able to prove that Strafford's sagacity as an English Privy Councillor was altogether at fault, that he had under-estimated the force of the reaction against an autocratic régime; had presumed to trust in his own ability to deal with England as he had dealt with Ireland; had advised the king to renew the war against Scotland without making sure of the support of Parliament; had urged him to levy taxes for this purpose, despite its opposition; and had, in short, placed himself in antagonism to the national will and done his utmost to mislead the king into aggressive courses. This was undoubtedly a rash, nay, a fatal policy, and its failure was complete. But was it treason, according to law? Maynard contended that it was. Nay, the treason was only the greater, inasmuch as it was directed against the laws of the land rather than against the life of the king. One prince might be succeeded by another. "But if laws and justice should be taken from the throne and will placed there, we are without hope of ever seeing remedy." Great, indeed, might be the danger of the State, but it did not, after all, according to the strict letter of the law, constitute the crime charged against the accused. That crime, as the Attorney-General showed, amounted not to treason, but to felony.

Strafford did not deny that he had advised the king to renew the war against the Scots rather than submit to the demands of the Scottish Parliament. He admitted, too, that he had assured his majesty that he was justified, in the circumstances, in using all necessary means to help himself if Parliament refused to come to the rescue. He had, however, meant no more than that he should use such expedients as were allowed by his prerogative and the laws of the land. The reservation was not very convincing as coming from one who had been the chief abettor of the arbitrary government of which Parliament complained, and it is highly probable that Strafford would not have hesitated to enforce martial law

in England as in Ireland on the plea of royal necessity. He had at least done his best to nurture this suspicion in the minds not merely of the Commons, but of some of his fellow Privy Councillors. But suspicion is not evidence, and he disclaimed such an imputation. He claimed, moreover, the right to give free expression to even unpopular opinions at the Council board, and if to propound an opinion in free debate in full Council was treason, no Councillor could ever be sure of his life. "Opinion might make a heretic, but he never heard before that opinion should make a traitor."

The most damning charge of all was undoubtedly the intention imputed to him of subduing England by means of a Papist Irish army. He conspired, urged Maynard, to make of England a second Ireland—to deprive us of our laws, our liberties, our religion. This was an argument which no English jury could resist, if the evidence was at all fitted to give it any colouring of probability. To Englishmen of that day an Irish invasion meant all the horrors that an invasion of Bashi-Bazouks would mean to their posterity to-day. "He would have us," exclaimed his accuser, "without all rules of government; and these be the means — wicked and cruel counsels, and the cruelty of an army inspired with his spirit, and consisting of Papists, enemies of our religion. And what mercy could we of this religion expect from popish enemies with swords in their hands? That cannot but strike all English hearts with horror and dread, that an Irish army should be brought into England to reduce the subjects of England. . . . I cannot but say, here is the counsel of Haman when he would in one day cut off all the Jewish nation and have the king intend a favour to him."

Here, again, the evidence was not sufficient to support the inference. During a debate in the Committee of Eight for Scottish affairs on the question of renewing the war against the Scots, Strafford, in addressing the king, had used the words, "You have an army in Ireland which you may employ to reduce this kingdom." Sir Harry Vane was called to testify that he had spoken these words, but he was unable to say that the phrase, "this kingdom," referred to England, and Northumberland, Hamilton, Juxon, and Cottington, who were present at the meeting in question,

were positive that his design was to land an Irish army in the west of Scotland and to use it against the Scots. Strafford himself denied point blank that he had ever conceived the idea of an Irish invasion of England, and it is evident to the impartial reader that he was speaking of Scotland, not of England. He quoted in conclusion the treason statutes to show that nothing of a treasonable nature had been proved against him, and he warned his judges to beware of forging a two-edged sword against themselves by such an arbitrary interpretation of the law. "If way be given to arbitrary treason, and to the wits of men to work upon it, to question or prejudice life, it would be very dangerous. In this hall there would be actions of treason that would fly as familiarly up and down as actions of trespass." "These gentlemen tell me they speak in defence of the commonweal against arbitrary treason; give me leave to say that I speak in defence of the commonweal against their arbitrary treason; for if this latitude be admitted, what prejudice shall follow to the king, to the country, if you and your posterity be disabled by the same from the greatest affairs of the kingdom! For my poor self, if it were not your lordships' interest, and the interest of a saint in heaven, who hath left me two pledges here on earth, I should never take the pains to keep up this ruinous cottage of mine. It is laden with such infirmities that in truth I have no great pleasure to carry it longer about with me, nor could I leave it ever in a better time than this, when I hope that the better part of the world would perhaps think by this my misfortune I had given a testimony of my integrity to God, my king, and country." (13th April.)

From the legal standpoint the impeachment of Strafford had broken down. The strength of the man had made itself felt; the weakness of his accusers had made itself felt as well. They had failed to establish treason as defined by law, and the peers could not justly sentence him to death as a traitor on the charges against him. It clearly was unjust to try to make him the victim of a forced interpretation of a certain statute. There were, too, signs of rising friction between the two Houses. If Strafford was to atone for the arbitrary government which was laid to his charge, the Commons

must go on another tack. The Commons were equal to the contingency. It might be impossible for the Lords to convict Strafford of treason, but Lords and Commons might unite in bringing him to the block by Bill of Attainder. They had merely to pass such a Bill and get the king to give his assent, and not a single argument that the accused had urged in explanation or vindication of his conduct need stand in the way of his execution, though they allowed his counsel to speak on his behalf as to matter of law, if not as to matter of fact. This was practical at least, and it had the additional merit of being straightforward. On legal grounds Strafford was no traitor; on political grounds he deserved to undergo the penalty of high treason, and accordingly on a general statement of his high misdemeanours as a minister of State, the Commons, in spite of the opposition of a minority led by Digby, and ultimately the Lords—also in spite of a small minority—voted him guilty of this crime and sentenced him to death. They left the treason laws out of account and simply declared, in virtue of their supreme legislative authority, that the actions attributed to Strafford were treason, treason to the nation, if not to the king, and should be punished accordingly. Even if some of the assertions of the preamble were open to question, there could be no doubt that by aiding and abetting Charles in his autocratic government, by urging him to aggressive courses in both England and Scotland, he had been guilty of "endeavouring to subvert the ancient and fundamental laws of his majesty's realm . . . and introduce an arbitrary and tyrannical government against law in the said kingdoms." Strafford's motives might not be what Pym and Maynard, Whitelock and Glyn held them to be; he might argue himself into the belief that the powers exercised by the crown were compatible with the constitution. The patent fact was that the personal government of the previous decade was in many respects unconstitutional, and that Strafford was prepared, in spite of his professions of respect for liberty tempered by monarchy, to go all the length of his principles, in case of Parliamentary resistance, and make the king virtually absolute. Politically, therefore, the Commons might justly argue that such a man was a traitor to the constitution, an enemy of the State worthy

of death. He had, unfortunately, done his utmost, even if we admit with the best intentions in the world, to invite the stern conclusion. He had conspired with Laud to maintain an arbitrary, oppressive régime in Church and State, as his letters amply show. He had belied his former advocacy of legal, constitutional government, and invited, if he did not altogether merit, the charge of apostasy. He had done what in him lay to discredit Parliament and confirm the king in his autocratic aspirations, and had thus courted the hostility and hatred of all to whom the constitution was a peerless heritage. Had Charles been born for the rôle of absolute king, like a Henry IV. or a Louis XIV., Strafford might have succeeded in playing the part of a Richelieu in England, and perhaps even in Scotland, as he undoubtedly succeeded in Ireland. Charles was not a Louis XIV. and England or Scotland was not France, and the man who urged such a ruler of such a nation to play the autocrat, was laying up for himself the inevitable retribution of which the Bill of Attainder was the stern expression.

Yet it is regrettable that the Commons conceived themselves under the necessity of having recourse to one of the expedients of the most tyrannic of English kings in order to compass this retribution. They, too, were guilty of "exercising a tyrannous and exorbitant power" to meet a special emergency, and strict justice would have demanded that if acts like those of Strafford were to be decreed treasonable, the accused should have the benefit of indulgence on the ground that the law could not fairly have a retrospective force. Such indulgence the situation rendered it difficult, if not impossible, to observe. Pym and Hampden hesitated at first to follow the example of a Henry VIII., and were in favour of prosecution by impeachment. They gave way to the determination of the majority of their fellow-Commoners, and there was force in the argument based on necessity. The Commons were suspicious of both Charles and Strafford. Charles, they were convinced, had not even yet learned to waive without reservation his autocratic principles of government, would not frankly and unreservedly give himself into the hands of the men who championed the rights of Parliament and nation. He had his afterthoughts of ultimately in

some way being able to govern on his own terms, and Strafford they felt was the man, if any man could, to retrieve his position. He refused to disband the Irish army, and the Irish army might prove a terrible danger in Strafford's hands. Rumours of plots, too, filled the air—plots in the army, plots at court, plots to crush the Parliament, to crush the Protestant religion, to rescue Strafford and frustrate justice by force. These plots were no mere exaggerations of popular credulity and excitement. Their authors went the length of intriguing for the landing of a French army. Every Royalist brain was busy with plans to save Strafford and vindicate the royal authority, and the brains of Charles and the queen were as busy as the rest.

The knowledge of these intrigues sealed the doom of the man they were meant to save, and Charles by countenancing them, instead of coming to a definite straightforward understanding with his Parliament, did his best to undo him. On 1st May he appeared in the Lords to give an absolute assurance that Strafford had never advised him to bring over the Irish army, or subvert the constitution, and to declare that he deemed him unfit to serve in any office of State, even that of a constable. It was in vain. On the 3rd May London broke into riot, and a furious mob besieged the House of Lords with cries for justice on the traitor. It pilloried the names of the minority of the Commons, which had voted against the Attainder Bill, in a placard with the superscription "Straffordians, betrayers of their country." On the same day the Commons joined in a Protestation to maintain the Protestant religion and to defend the king, the privileges of Parliament, and the rights and liberties of the subject against all plotters to their detriment. The excitement and alarm that prevailed in the Lower House and in the city at last took possession of the peers. On the 4th they adhered to the Protestation, and on the 8th they read the Bill of Attainder a third time. Along with it they passed another, which the fear of a violent dissolution had brought forth in the Commons, and which enacted that the present Parliament should not be dissolved without its own consent.

Charles was in a terrible dilemma, for which he had largely to thank his own hesitation and underhand dealing during the

past weeks. He had already thereby forfeited the confidence of a large majority of both Houses, and he had to face the alternative of either going back on his promise to Strafford and giving his assent, or risking a revolution. For two days he stood at bay battling with his conscience, with the importunities of his Privy Council, with the threats of the clamouring mob outside Whitehall. Strafford himself had absolved him of his promise, and even urged him not to let his person stand between him and his own safety. On the 10th he gave way and empowered a commission to give his assent to both Bills. It was the act of a weak man; it was, at the same time, in the pass to which he had allowed things to come, the only possible one. "If my own person only were in danger," said he in broken accents to the Council, "I would gladly venture it to save Lord Strafford's life, but seeing my wife, children, and all my kingdoms are concerned in it, I am forced to give way unto it." Charles would have appeared in a more reputable light had he taken on himself the responsibility of his blundering tactics, and boldly said, Nay, come what might, as he was in honour bound to do. To allow the situation to get so far out of control as to become the slave of it was both bad policy and lamentable blundering. All he needed to do in order to save Strafford was to inspire absolute confidence in his own integrity, and his failure to do this proved fatal both to Strafford and in the long run to himself.

A written appeal to the Lords on the morrow to temper judgment with mercy met with no response, and on the following day, the 12th of May, Strafford came forth from the Tower to his doom. The night before he had asked the lieutenant of the Tower for permission to speak with Laud. The lieutenant referred him to Parliament. "No," said he, "I have gotten my despatch from them, and will trouble them no more. I am now petitioning a higher Court where neither partiality can be expected nor error feared." "Desire the archbishop," added he to the Primate of Ireland, who was present, "to lend me his prayers this night and to give me his blessing when I go abroad to-morrow, and to be in his window that, by my last farewell, I may give him thanks for this and all other his former favours."

As Strafford strode past on the morrow he caught sight of

Laud gazing down from the window of his apartment. "My lord," cried he, "your prayers and blessing." Laud complied, and then sank in a faint to the floor. "Farewell, my lord," called he, "God protect your innocency." The lieutenant begged him to take a seat in his coach. "No, Master Lieutenant," was the response, "I dare look death in the face, and I hope the people too. Have you a care that I do not escape, and I care not how I die, whether by the hand of the executioner, or the madness and fury of the people. If that may give them better content, it is all one to me."

He continued to stride forward, erect and fearless—"more like a general at the head of an army than like a condemned man," says the narrator—to the scaffold on Tower Hill. From that scaffold he addressed the multitude in unfaltering tones, forgiving his enemies and disclaiming any antagonism to the Parliamentary constitution, deploring the error of those who would begin the work of reformation with the blood of the innocent, and professing his firm faith in the creed of the Church of England. He then engaged in prayer, spoke some touching words of his wife and children, and finally made ready for the blow of the executioner. His courage endured to the end. "I thank God," cried he, "I am no more afraid of death, nor daunted with any discouragements arising from any fears, but do as cheerfully put off my doublet at this time as ever I did when I went to bed." Then stretching forth his hands in the midst of his silent prayer as a sign to the executioner, the axe fell, and his head rolled from the block.

He had attempted to lay his strength against the national will, which had concentrated itself in one of the most formidable assemblies that had ever gathered at Westminster. He might have succeeded in 1629, when Charles was strong enough to muzzle Parliament and crush its leaders. He could not possibly succeed in 1641, when Charles was fain to assent not merely to a Triennial Bill, but to a Dissolution Bill, and thus virtually to own that Parliament was master of the State. Strafford's view of prerogative government was out of date, while his idea of a military despotism proved impossible of realisation. Both king and ministers had, in fact, made mistake after mistake, and succeeded only in making Parliament irresistible. It had crushed the

stronger man; it had deprived the weaker of the means of ridding himself of its mastery.

It is usual to exalt the ability of Strafford, to predict that had he lived Charles would have won. Able, brilliantly able, he undoubtedly was, but I can find no ground for the assumption that he would have been more than a match for the Long Parliament. He was, at least, no match for the Scots. The English army under his leadership had only earned disgrace and disaster. He proved powerless to prevent the king from having to yield to humiliating terms. England, too, was against Strafford, and Strafford would doubtless have failed against England. Still, he was sufficiently dangerous to make his destruction essential in the eyes of his opponents. But the superlatively able man of most writers ought not to have been caught and rendered impotent at the very outset.

SOURCES.—Lords' Journals, iv.; Commons' Journals, ii.; State Papers, 1640-41, edited by Hamilton; Parliamentary History, ii.; Constitutional History, ix. Much new light has been thrown on the proceedings of the Long Parliament by the Diary attributed to Sir Simmonds D'Ewes, the MS. of which is in the British Museum, Harleian MSS., Nos. 162-166, and by the Manchester, or Mandeville, Memoirs, also in MS. (Add. MSS., 15,567), in the British Museum, which have been copied for me by Miss Steele Hutton, M.A. These papers were largely drawn on by Mr Sandford in his Studies and Illustrations of the Great Rebellion (1858), and by Mr Gardiner in vol. ix. of his History of England. Mr Gardiner drew in addition on Moore's Diary, Harleian MSS. Mr Forster also made use of D'Ewes in The Grand Remonstrance (1860), and The Arrest of the Five Members (1860). These serve to correct in many material points such authorities as Rushworth, Nalson, and the Parliamentary Histories. Sir Ralph Verney was another note-taker, and his valuable MSS. have been published by Mr Bruce for the Camden Society, under the title of Notes of Proceedings in the Long Parliament (1845). Another valuable contemporary record by a member of the Long Parliament has been published under the title of The Note-Book of Sir John North-

cote, edited by A. H. A. Hamilton (1877). Unfortunately it only extends from the middle of November to the end of December 1640. May, The History of the Parliament of England which began November 1640 (1647)—a contemporary account of great value, written in a very dispassionate tone. Rushworth, Collections, iv., and The Tryal of the Earl of Strafford (1680); Laud, History of the Troubles, in Works, iii.; Nalson, Impartial Collection of the Great Affairs of State, i. and ii. The author was a zealous Royalist, who flourished in the reign of James II., and his work was meant as an antidote to Rushworth. Though it supplies some additional matter, the author's annotations are by no means impartial. Scobell, A Collection of Acts and Ordinances made in the Long Parliament (1655). The editor was Clerk of the Parliament. For English as well as Scottish affairs, Baillie (who was in London from the autumn of 1640 to August 1641) is a most valuable authority, Letters and Journals, i.; Hardwicke, State Papers, ii.; The Diurnall Occurrences of Both Houses from November 1640-November 1641 (1641); Whitelocke, Memorials; Clarendon's History, i.-iii. Both Whitelocke and Clarendon are to be used with great caution. Clarendon, in particular, is full of mistakes and confusions, and is very partial on the Royalist side. Diary of John Rous (1625-1642), edited by Mrs Green for Camden Society (1856).

CHAPTER XV.

The Grand Remonstrance and the Attempt on the Five Members (1641-1642).

The master spirit of Stuart autocracy crushed, the Commons proceeded to demolish the system which that master spirit, most of all, embodied in their eyes. They passed Bills abolishing ship-money, the Star Chamber, and the High Commission, prohibiting the exaction of knighthood fees, declaring the limits of the royal forests, and making tonnage and poundage dependent on Parliamentary grant at short intervals. To these Bills the Lords gave their hearty approval, and Charles a reluctant consent. Both Houses were, too, practically unanimous in adopting ten propositions drawn up by Pym (24th June), and praying the king, *inter alia*, to remove evil councillors and entrust the administration to such as possessed the confidence of Parliament. In other words, he must admit the responsibility of ministers to Parliament. In view of the misgovernment of the last decade, the request was reasonable enough, and Charles would have consulted his own interest as well as that of the country in frankly submitting to the inevitable. It had clearly become impossible to govern a country with a Parliamentary constitution on the autocratic principle. Parliament had already become the dominating force in the nation in spite of the attempt of James and Charles to assert their high notions of prerogative, and after the events of the previous year no king and no minister could afford to ignore the national will, unequivocally expressed in sweeping Parliamentary majorities. Parliamentary majorities had come to stay, whether Charles liked it or not, and so far the Parliamentary majority was practically the whole Parliament. The minority in favour of Strafford had been comparatively insignificant,

and all the abuses of arbitrary government had been condemned with hardly a dissentient voice. Unfortunately, Charles could not look facts in the face, and refused to admit or act on the principle which alone could make government feasible for him or the nation. "His majesty," he bade the Earl of Bath tell the Lords on the 12th July, "knows of no ill counsellors, the which he thinks should both satisfy and be believed, he having granted all hitherto demanded by Parliament; nor doth he expect that any should be so unadvised as by slanders or any other ways to deter any that he trusts in public affairs from giving him free counsel, especially since freedom of speech is always demanded and never refused to Parliaments."

So far Lords and Commons were practically unanimous. Abuses must not only be swept away; the prerogative must be limited so as to prevent the possibility of their recurrence. Unfortunately, it was impossible to attain unanimity on the ecclesiastical question. A large party in the Commons was in favour of a drastic measure of reform, even to the extent of abolishing the Episcopal order; a considerable minority, while agreeing to exclude the bishops from the House of Lords, was determined to retain their jurisdiction in the Church. A majority of the Lords was not only resolved to retain the Episcopal jurisdiction, but to preserve their legislative rights as peers. This majority refused to read the Bishops' Exclusion Bill, on which the Commons had agreed, a third time, and substituted a Bill of their own, which, while pruning away abuses in the Church, retained the Episcopal office and left the bishops in possession of their seats in the Upper House. They refused, too, to pass the Bill making the Protestation obligatory on the nation as well as both Houses. The majority of the Commons, on the other hand, went on debating into final shape a Root and Branch Bill, which proposed to abolish Episcopacy, and place the ecclesiastical jurisdiction in the hands of nine lay commissioners responsible to Parliament. There was thus friction not only between a minority and a majority in either House, but between the Houses themselves. In a revolutionary age it is difficult to observe the practicable medium, and even in such an experienced assembly as the English Parliament, practical

considerations were not strong enough to carry it over zeal for theory in ecclesiastical matters. The hatred of Episcopacy had sunk deep into the more earnest Puritan minds. To such minds the bishops had since the Reformation, and more especially in these latter years, been both usurpers of God's heritage and abettors of a persecuting Government. There was much in the history of the last three-quarters of a century of Episcopal history to substantiate their conviction. Many of the bishops, from Parker to Laud, had acted most tyrannically towards dissenters, had made use of all the powers of the High Commission, backed by the crown, to force the Puritan conscience. The resentment and the zeal of these outraged Puritans might be natural, but Puritans of this thorough-going type were, after all, in a minority of the nation, and it was undoubtedly a mistake on the part of this minority to attempt to revolutionise the Church as well as reform the State. The attempt really played into the hands of the king and the bishops by enabling them to form a party in Parliament as well as in the nation. Charles, who still laboured under the belief that it was more in his interest to be the head of a party than the leader of a nation, was quick to see his advantage, and sedulously cultivated the goodwill of the anti-Root and Branch leaders. He made Digby a peer, and entered into communication with Hyde. He shared in the renewed, though futile intrigues of the queen and the court party to pit the country against the Parliament. Such fancies were worthy of the man, but there was more feasibility in cultivating the Scottish Commissioners to the same end. The Scots were, in fact, now his trump card. He would go down to Scotland, win over the Covenanters, if need be on their own terms, and with a loyal and enthusiastic Scottish nation at his back, return to dictate his will in England. "Before I came from London," wrote Baillie, "his majesty's voyage for Scotland was resolved; upon what grounds it is but only conjectured. My Lord Rothes was become a great courteour. The queen began to speak honourablie and affectionatelie of our nation, and in sound earnest to think of her convoying the king to Scotland. It was thought the heartie agreeance and fullie satisfieing of our needlesslie irritat land would be a sovereign help to the continuall harsh rancounters of the

English Parliament." Rothes, Loudon, Dunfermline, and others were the objects of studied kindness. Rothes especially bade fair, according to Baillie, "to be the greatest courtier either of Scots or English."

In Scotland, as in England, reaction had already begun to cleave the national party, and Charles could, in fact, already count on the support of the small section of the Covenanters who had entered with Montrose into the Bond of Cumbernauld in opposition to Argyll, and who were ready to dare all in his cause if he would guarantee the established religion and the liberties of the land. For these reactionary tactics Montrose and three of his confederates were summoned before the Committee of Estates, and warded in Edinburgh Castle. Charles tried to counteract the ill-effect of this revelation by disclaiming any knowledge of these intrigues against Argyll, and he prepared for himself a hearty Scottish reception by signing on the 7th August the treaty which the Commissioners of both Parliaments had at last succeeded in arranging. The treaty bound him to recognise the Bills passed by the Scottish Estates in June 1640 as valid Acts of Parliament, to approve the payment of £300,000 by the English Parliament in discharge of the services of the Scottish army, to put no impediment in the way of the punishment of the "incendiaries" or authors of the late troubles by the Parliament of either kingdom, to employ no persons so punished in any office of State, and to suppress all proclamations and libels against his Scottish subjects. Thus fortified, he carried out his intention in the face of the strenuous opposition of the suspicious Commons, who even broke the Sabbath in their anxiety to prevent his journey, and met to make a last appeal for delay. He consented to put off his departure from Monday to Tuesday, and on that Tuesday, the 10th of August, started northwards in the secret hope of ere long returning to regain the mastery he had lost.

Charles rode into Edinburgh on the 14th August amid every token of hearty welcome. He was determined to make himself a popular hero, and for a time he succeeded. He played the Presbyterian in the most devout fashion, and seemed edified by long sermons, extempore prayers, and singing of psalms. "The king," noted Baillie, with satis-

faction, "hears all duelie, and we hear none of his complaints for want of a liturgie or any ceremonies." On the 17th, he attended Parliament, which had begun its session in the previous month, and in his heartiest tones offered to guarantee the religious and just liberties of his native land. He announced his readiness to ratify forthwith the Acts of the Parliament of 1640, in accordance with the terms of the treaty. In curious contrast to his attitude on the occasion of his previous visit, he appeared to be precipitate in his zeal to forestall the demands of the Estates, and they found it necessary to remind him that it behoved him to wait for the conventional "order of the House." On the 30th, he was banqueted in Parliament House, and toasted with brimful enthusiasm. "Over the whole town," wrote Bere to Pennington, "there was nothing but joy and revelling like a day of jubilee." In spite of all this jubilation and enthusiasm, the majority of the Estates who followed Argyll insisted on taking the utmost advantage of their opportunity, and on the 16th September passed an Act subjecting all State appointments to the advice and approbation of Parliament. In accordance therewith, Charles produced a leet of the new ministers. Argyll took exception to the nomination of Morton as treasurer. He objected further to the substitution of Almond for Morton. With his Parliamentary majority at his back the great Campbell thus asserted even more directly than the leaders of the national assembly at Westminster the right of the Estates to control the administration. With this Parliamentary majority he both overawed Charles and weathered the plot that his enemies had hatched to deport or assassinate him, Hamilton, and his brother, the Earl of Lanark, who had thrown in their lot with the dominant party. They defeated the design of the plotters by hastily retiring to Kinneil. Their flight inflamed distrust of the monarch, and Charles resented it as a slur on his honour. There was consequently long and irritated debate on the subject in Parliament House, and in the end Charles was compelled to yield to the force of Parliamentary feeling, and to recognise that he must accept as virtual Prime Minister the man in whom the nation had placed its confidence. "The Incident," as this mysterious affair was called,

thus brought one more humiliation to the helpless monarch, who was fain to hush the strife and do as the Estates directed. "The Parliament continues here still stiff and resolved," wrote Secretary Vane to Nicholas (30th October), "and whatever intelligence you may have had in the South, I do not find his majesty is likely to have his will here." While he set Montrose and his fellow-prisoners at liberty, he made Argyll a marquess, Hamilton a duke, Leslie an earl, Loudon Chancellor as well as earl, and made over the Treasury to four commissioners, of whom Argyll was the chief. In spite of this show of magnanimity, he was helpless to do otherwise. Argyll, not Charles, was for the nonce King of Scotland. "Since their late danger," notes Baillie, "was the means to increase their power with the Parliament, so whatever ruling they had before, it was then multiplied. . . . The leading men of the barons and boroughs did dailie consult with Argyll."

To the Royalist writers Argyll is a designing rebel, who was merely scheming for his own hand, in contrast to the immaculate Montrose. The Covenanters who followed him had become the mere dupes or abettors of a hypocrite and a crafty politician, and the struggle was now merely for the predominance of one man, or a small clique of men. King Campbell is a fitting parallel to King Pym. Personally, Argyll does not appeal to us. He should not have made the Covenant a pretext for settling old accounts with his personal enemies in the Athole country. By so doing, he cast a blot on the cause he espoused. It may be admitted, too, that he was striving for mastery as against a Montrose. Montrose also had his eye on office, for the most unselfish and exalted ends, we are assured by Mr Napier and others, and between him and Argyll there was all the antipathy of rivalry. In contrast to his rival, he was an idealist of a kind—of the fervent monarchist type—while Argyll would have deposed Charles without the slightest hesitation if he insisted on setting himself up against the will of the nation. But the assumption of Montrose's ardent admirers that Argyll was scheming solely for his own aggrandisement—to make himself dictator of Scotland, more particularly by means of the Covenanting movement—is assuredly going too

far. Apart from the principles of the party with which he identified himself, he was nothing. It was because this party believed in his policy and relied on his ability that he became the great man of the day. Had the Covenanters had any ground for believing that he was working merely for his own hand, they would certainly not have lent themselves as the mere tools of his ambition. To talk of the dictator in this invidious sense is to use the language of exaggeration in order to throw discredit on a hateful cause.

We must not forget that Argyll as well as Montrose had a cause to represent, and that he could not have ignored this cause in deference to purely selfish ends, even if he had been desirous to do so. He stood as the champion not only of Presbyterianism, but of Parliamentary government, such as the recent history of Scotland as well as England had shown to be necessary as against an arbitrary king. Montrose now stood for the royal authority, as conditioned by "laws and liberties," and regarded Parliamentary government as equivalent to tyranny. The fear was cherished by more than Montrose. "If this be what you call liberty," said the Earl of Perth, "God send me the old slavery again." And in view of the intolerant dogmatism of the Covenanters, Parliamentary government, if it did not conduce to an Argyll dictatorship in the invidious Royalist sense, was likely to be hard enough, not only upon the abettors of Stuart despotism in Church and State, but upon all who disliked that dogmatism. It is very regrettable that Argyll and his followers were not enlightened enough to perceive that government by a Parliamentary majority did not necessarily involve the crushing of all who differed from them, or that they were not moderate enough to appreciate the merits of an opposition. Their excuse may be found in the fact that "opposition" at such a crisis tended to endanger the stability of what they had fought for, and might easily, in view of the intrigues of a malcontent party, pave the way for a reaction. That Parliament should at all events assert itself was patent enough from Charles' failure to govern wisely on both sides of the Border. Those who desire to discredit the constitutional movement, by denouncing Argyll,

find it convenient to forget that it was absolutely necessary to organise the Parliamentary opposition if Scotland was to be assured against a renewal of Charles' arbitrary régime. Such organisation, after all, necessitated a leader, and Argyll was the ablest man for the post going. Montrose was more fitted to lead an army than govern a country.

It was some compensation to Charles for this disappointment that party strife had meanwhile become very acute at Westminster. Divergence of opinion on the ecclesiastical question had, as we have seen, already cleft both Lords and Commons into a majority and a minority, and after the reassembling of the Houses for their second session in October 1641, the cleavage extended to other questions—developed, in fact, two distinct parties. The men who followed Hyde, Falkland, and Culpepper in the Commons had become the staunch supporters of king and Church against the majority led by Pym and Hampden. Charles could now rely on "a Royalist party" to support his resistance to further limitation of his power, if not to help him to undo the unwelcome legislation that had secured the approval of the overwhelming majority of both Houses. It was no longer a question of a small and variable minority dissenting on some particular question from a triumphant majority, but of a party with fixed principles and policy, arrayed in strenuous opposition to the demands of a revolutionary phalanx. Falkland, indeed, as reported by Clarendon, frankly avowed to Hampden that he had changed his opinions. He now resisted the Bill disabling the clergy, and particularly the bishops, from exercising any temporal jurisdiction, which Pym substituted for the abortive measure of the previous session. "Truly," said he, in answer to Hampden's reproach that he had given his support to the previous Bill, "I was persuaded at that time by the worthy gentleman who hath spoken to believe many things that I have since found to be untrue; and therefore I have changed my opinion in many particulars as well as to things as persons."

The majority, that remained as suspicious as ever of any compromise with Charles short of their own terms, naturally regarded this change of opinion as defection from the Parliamentary cause. They suspected treachery, and were inclined

to rank their opponents among "the evil councillors" whom men like Falkland and Hyde had formerly joined them in denouncing. Their interpretation of motives was not likely to err on the side of magnanimity, and we may be sure that a man like Falkland was not likely to desert his former associates from unworthy considerations. Even Hyde, who was far more of a politician than his nobler associate, was not necessarily an opportunist in electing henceforth to stand by the royal as against the Parliamentary cause. The fear of anarchy in the Church as well as the State impelled men like Falkland to refrain from continuing an opposition which seemed to menace the old constitution. Hyde's love of order, as well as his ambition to play a dominant rôle, inclined him in the same direction. There was room for hesitation as to the expediency of further encroachment on the royal authority. The climax towards which the Parliamentary majority was leading — a nominal king, an omnipotent Parliament — was an innovation sufficient to appal the imagination of the conservative, law-abiding Englishman. Only absolute necessity, or what was conceived to be absolute necessity, would carry even many of Pym's followers to the length of virtually establishing a republic with a mere royal figure-head.

Moreover, on this burning ecclesiastical question in particular, Pym and his uncompromising Puritan followers were altogether too rigid, too doctrinaire. They wished to make England uncompromisingly Puritan, whether England would or not. They persisted in identifying Laudian High Churchism with Popery in spite of the most positive disclaimers of their opponents. They pressed their anti-Episcopal legislation as if it were completely in accord with the national feeling. In reality they represented, in their religious opinions and aspirations, only a section of Englishmen, and they persisted in mistaking a section of the nation for the nation itself. They made no allowance for Charles' passionate adherence to the Episcopal system. "I hear," wrote he to Nicholas from Scotland on the 18th October, "it is reported at my return I intend to alter the government of the Church of England, and to bring it to that form as it is here. Therefore I command you to assure all my servants that I am constant to the discipline and doctrine of the Church of England established by

Queen Elizabeth and my father, and that I resolve by the grace of God to die in the maintenance of it." In such utterances Charles used the language of absolute conviction. This was one of the things as to which prevarication was to him impossible, one of the things for which he was consistently to fight and die, and he expressed not only his own, but very probably the sentiment of the majority of his subjects. By ignoring it Pym and his followers did their best to create that Royalist party which they denounced as traitors both to the Parliament and the nation. They forgot that in such circumstances it is the business of the statesman to tolerate and compromise, and to this kind of statesmanship Pym, with his eternal declamation against all that was not ardently Puritan as Popery, could lay no claim. It would be an egregious mistake to regard his Parliamentary majority as the champions of toleration against the High Church persecutors of the Puritans, though that majority happily counted a few, of whom Cromwell was to be the brilliant mouthpiece, who managed to combine with hatred of Episcopacy a certain appreciation of religious liberty. In this matter Pym and the greater number of his associates were by no means in advance of their time, and, in palliation of their narrow dogmatism, it must be said that neither their age, nor their experience, nor the situation in which they were placed was fitted to teach them in this matter the charity that thinketh no evil.

Other causes helped to make the split inevitable. The members of a large assembly do not consort for many months in great legislative reforms without collision of principle or prejudice. Difference of mind and character comes into play. Personal enmities divide ; rival ambitions estrange the workers in a common cause. To the more timid or cautious there comes sooner or later the disquieting doubt whether experimental legislation has not gone far enough. Above all, in this case there was the reactionary conviction that it was more advisable to try the effect of a policy of conciliation and compromise towards the king than to proceed further on one based on distrust and antagonism. Henceforth the appeal to eschew friction with Charles, to spare his feelings, to strive to carry him with them, was the panacea of the minority that owned the leadership of Falkland, Hyde, and Culpepper.

The minority refuse to believe in the sinister rumours of repression that goaded men like Pym and Hampden ever further on the road to revolution. Hyde and Falkland, *apropos* of the news of the attempt to overthrow Argyll in Scotland, made light of the inference of a similar design against their associates at Westminster. The alarm of the majority would not thus easily be conjured, and the majority insisted on having a guard of the trained bands of Westminster to keep watch over the Parliament day and night.

It would have been better for both Parliament and king to rest where they were—Charles to submit to what Parliament had enacted, Parliament to remain content with the guarantees of constitutional government thus enacted. Unfortunately, the conditions were not favourable to a policy of halt. In spite of public professions Charles could not bring himself to frankly accept the situation which his abortive attempt at arbitrary government had created. He was working hard to bring about a Royalist reaction; he was eager for vengeance on his victors. And if Charles would not resign himself to the situation, it is patent that the Parliament could not afford to ignore his intrigues to its detriment. An attitude of vigilant suspicion was the only possible one for the great Commoner and those who followed him. It was because of their fear of a forcible reaction that both parties had voted the Dissolution Bill, in addition to the measures that knocked away one after another the props of autocratic government. And this distrust of the king and his "evil councillors" continues to afford the key to the successive measures by which Pym, Hampden, Cromwell, and others carried the majority steadily with them from the arena of Parliamentary strife to the battlefield.

Was this haunting fear that impelled the majority in the path of revolutionary legislation groundless, or well founded? This is the important question. On the answer to it will depend the justification or the condemnation of the measures over which party strife raged so fiercely in the Commons after the reassembling of the House in October 1641. If Pym, Hampden, and their associates unjustly suspected Charles of a design to crush them and restore the balance in his favour, then their systematic attempts to checkmate him

by such devices as the Grand Remonstrance and the Militia Bill were nothing less than criminal attempts to drive him to desperation and launch the country into civil war. This was the view of the Royalist party, and Hyde, in his "History of the Rebellion," strives to place the motives of his opponents in the worst light, as those of an unreasonable, self-seeking, opinionated, and treacherous faction, who made use of Parliament to defy the king and enforce their own supremacy. He forgot that the wrongs of the previous decade and a half had sunk so deeply into the minds of men like Pym, that the indispensable thing with them was to prevent at all hazards their recurrence. Not only so; but it must not be forgotten that we do not know all that Pym knew of those secret currents of action which are not marked on the chart of history. He could not always speak out all that he knew; he could only hint it and leave his listeners to read between the lines. If, for instance, he knew, as he evidently did, of damning intrigues in the highest places, he could not bluntly say so in support of his tactics in bringing in the Grand Remonstrance.

If, on the other hand, the suspicion of men like Pym of a forcible Royalist reaction, and the evidence they indicated or adduced in support of it were well founded, they were acting the part of true patriots in taking every possible precaution to safeguard the rights of the nation as well as their own persons from an attack that must have proved fatal to both. This is the view that, in spite of Hyde, Lord Clarendon, is substantially borne out by the facts. What were the facts? In the spring of 1641 the eagle-eyed Pym had lighted on two army plots to rescue Strafford and overawe the Parliament. Charles was an accomplice of the plotters, and both he and his queen and courtiers were busy intriguing reaction in other directions. Their intrigues continued throughout the summer and culminated in the expedition to rally the Scots against their late associates. The refusal to abandon or postpone the Scottish visit deepened the suspicion and intensified the alertness of the watchful Pymites, and the abortive Incident at once started the inference that the stroke that was to have overwhelmed Argyll was part of a similar design against Argyll's associates at Westminster. Charles' correspondence

with Secretary Nicholas proves beyond dispute that he was but biding his time and preparing the coming retribution. The Incident might end in fiasco, but were there not malcontents in plenty at Westminster itself to fall back on? These malcontents had now rallied into a Royalist phalanx, and were prepared to play into the king's hands against the majority. Then came the news of the Irish rebellion, and here again the popular leaders saw the insidious hand of the plotter not merely against the Protestants across the Irish Sea, but against the English Parliament itself. The rebellious Irish made, in fact, no secret of their determination to break the yoke of the English Parliament not only in Ireland, but in England, to vindicate the royal authority against the faction at Westminster which had usurped it. And Charles was not free from the guilt of complicity with this terrible explosion of race and religious hatred which, beginning in the end of October, eventuated in such horrible outrages during the months of November and December. He certainly did not plot the wholesale massacre of the hapless English and Scottish settlers, whom the savage hordes that followed an O'Neil did to death with a ferocity born of centuries of oppression and race hatred. The native Irish had wrongs enough to rectify. Wholesale eviction had long been the expedient for providing settlements for English and Scottish colonists. Poverty and starvation had been the lot of the Irish outcast in order that these Protestant intruders might carry on the work of anglification and at the same time live on the fat of the land. They were, moreover, oppressed in their souls as well as their bodies, and a monopoly of religious toleration, as well as of the land, was guaranteed to a small Protestant minority, of mostly alien race. Here was a case for reform more clamant than ship-money or other abuse of arbitrary government in England, and Charles deserves no reprehension for lending his ear to Irish complaints or seeking to redress them. But his chief solicitude was to make capital out of Irish grievances in his struggle with the English Parliament. To this end he had done his utmost to prevent the disbandment of the Irish Catholic army and had entered into communication with the disaffected Irish lords, one of whom, Dillon, haunted his court at Holyrood, and

to whose secret "Covenant" Ormonde was, according to the "Contemporary History of Affairs in Ireland" (1641-52), a party. He saw in the uprising which these lords engineered, and of which he evidently knew more than historians have usually given him credit for, the means of reducing the English Parliament to impotence and bringing its refractory members to book. His attitude towards the insurrectionary Irish could not, therefore, fail to bring him into collision with Pym and his followers.

There was thus ample ground for the irrefragable conviction of a Pym that Charles was merely temporising in all his public professions of sincerity and respect towards the Parliament, and that he was himself plotting its destruction and giving ear to the many plotters in high places who were working towards the same end. It was a mere euphemism that the majority still professed to lay the blame on "ill councillors." Ill councillors were not wanting to intrigue and decry, and among these Pym now evidently reckoned the Royalist minority as well as some of the ministers, the queen's creatures, and the bishops. The obvious fact was that they had lost all confidence in the king himself, and that Charles' thinly veiled hostility only too surely confirmed their distrust. Instead of honestly trying to disarm this distrust, he tried to divide Parliament. Divide in order to rule was his maxim. He certainly succeeded in creating a Royalist party, but his success only quickened the suspicion of the majority, and in the end division only told against himself.

This distrust, then, is the grand factor of the legislation of the next six months—legislation which forms the prologue to the drama of the Civil War. It had already begotten the Dissolution Bill and the Triennial Bill. In the eyes of the majority the Grand Remonstrance, the Militia Bill, the Declaration of the Supremacy of Parliament were the indispensable corollaries of the Triennial and the Dissolution Bills. It first found decisive expression during the debates on the Irish rebellion. The Commons, indeed, voted £50,000 forthwith, agreed to raise an army of 8,000 men for service in Ireland, and accepted the offer of the Scottish Parliament to despatch a force thither at their charges. But Pym had a *sine qua non* in reservation. Parliament could not entrust

his majesty with such a force unless he would unreservedly eschew "evil councillors" and undertake to employ only such as both Houses could confide in. Otherwise, such was the startling conclusion, Parliament would hold itself absolved from the obligation to levy a man or spend a shilling to restore order in Ireland (5th November). "Well moved," "Well moved," shouted a chorus of approving voices. There were counter-shouts of protest, however, and one indignant member, Edmund Waller, Hampden's cousin, rose to demand what was the difference between Strafford's counsel that the king in a certain contingency was absolved from all rules of government by the opposition of Parliament, and Pym's contention that Parliament in this emergency was free of all obligation to assist his majesty unless its conditions were complied with. Pym vigorously rebutted the comparison and Waller had to apologise at the bar for thus maliciously misinterpreting the bearing of his contention. But the majority was not prepared to carry its distrust of the king to the length of leaving Ireland to its fate, and Pym was subsequently forced to modify his resolution (8th November). In its final form the determination to safeguard themselves from possible treachery was none the less patent. The pernicious influence of evil councillors was assumed as a fact too evident to need particularisation. "Whilst we have been labouring to support his majesty to purge out the corruptions and restore the decays of Church and State, others of their faction and party have been contriving by violence and force to suppress the liberty of Parliament and endanger the safety of those who have opposed such wicked and pernicious courses." The responsibility for the Irish rebellion was traced to the same sinister source. How, then, could Parliament tax the subject to crush a rebellion for which his majesty's occult advisers were plainly responsible, and which was merely a device for enabling them to strike at the religion and liberties of England itself? His majesty must, therefore, turn these mischief makers adrift and "employ such counsels and ministers as shall be approved by his Parliament." There must be no trifling on this point, and what followed was in the nature of an ultimatum. If his majesty should turn a deaf ear to their request, then "we shall be forced, in discharge of

the trust which we owe to the State and to those whom we represent, to resolve upon some such way of defending Ireland from the rebels as may concur to the securing of ourselves from such mischievous counsels and designs as have lately been, and still are, in practice against us, as we have just cause to believe."

There was substantial truth as well as exaggeration in Pym's assumptions, and for the ultimatum as thus worded he had now a majority of fully forty. The majority of the Lords refused at a conference to be swayed by his arguments into compliance, and would not join in adding it to the instructions to be sent to the Parliament's Commissioners in Scotland for presentation to the king. It was certain that Charles would hotly resent this plain speaking.

Undaunted, Pym and his followers determined to appeal from both king and Lords to the nation. They brought in that Remonstrance which had been mooted more than once before, and which was now, in plain, succinct English, to inform Charles in particular, and the nation in general, that in the opinion of the majority of the Commons the past sixteen years of government had been one tissue of tyranny and wrong. Much of its contents had already been uttered in speeches and petitions, but all that had been thus spoken or written in denunciation of the methods and deeds of autocracy was now gathered up in a crushing, blasting digest, couched in plain, concise terms, which the dullest might understand. It was, in fact, an epitome of the accumulated abuses of the reign, from the Oxford dissolution right on to the latest army plot, which had driven even the most patient and loyal to cry out for retribution and reform. Nothing escaped the piercing rays of Pym's flaming searchlight, and in its lurid glare the nation was bidden to look into a very inferno of misgovernment. Some of the objects might be distorted; there was enough, and more than enough, of realistic presentation in the grim outlines of things thus flashed into the full gaze of the nation. "The root of all this mischief," the remonstrants informed the nation, in the preamble, lay in "a malignant and pernicious design of subverting the fundamental laws and principles of government upon which the religion and justice of this kingdom are

firmly established." "Jesuited" Papists, High Church bishops and clergymen, certain councillors and courtiers had, continued the preamble, conspired to this end by exciting antagonism between king and people on questions of prerogative and liberty, had fermented strife and persecution in the Church and done infinite harm to true religion, had slandered Parliaments in order to alienate the king from constitutional government, and had taught him to exact arbitrary taxes. A little more discrimination in dealing with these accusations would certainly have strengthened the case of the remonstrants in unimpassioned minds, but in regard to many of the facts of misgovernment, which they proceeded to pile up, there could not be two opinions. These facts they marshalled in short, crisp paragraphs, to the number of about 100 out of a total of 204. The remaining 104, generally speaking, detailed the remedial legislation of the Long Parliament, rebutted the slanders and aspersions of its hostile critics, denied that it had diminished the just rights of the crown in vindicating those of the nation, denounced the plots against it, vindicated its ecclesiastical policy as necessary in the interest of reform, disclaimed any intention of introducing in matters religious any liberty of conscience not sanctioned by the laws, demanded the severe repression of Papists and the convocation of an assembly of divines to reform abuses in the Church with the sanction of Parliament, and finally postulated responsible ministers as the only means of making Government workable for the future.

It is easy for the modern critic to pick holes in some of these paragraphs, especially those concerned with religion. Their intolerance and misrepresentation repel us. Pym and the narrow Puritans evidently had Popery on the brain, and it was not difficult for men like Sir Edward Deering to rebut the wholesale charge of idolatry against the bishops as an egregious exaggeration. But the significance of the Remonstrance did not consist in wild assertions of this kind, did not, in truth, lie in the facts which it passed under review. It made no new revelation. What invests it with superlative historic importance and interest is the idea that underlies it and the effect it was fitted to produce. "This Remonstrance," cried Deering, in the exordium of a hotly hostile speech,

"whensoever it passeth will make such an impression and leave such a character behind, both of his majesty, the people, the Parliament, and of the present Church and State, as no time shall ever eat it out, whilst histories are written and men have eyes to read them." What appalled the speaker and what was startlingly new in Parliamentary annals was the audacious determination of its authors to appeal straight to the people, to tear away the veil of secrecy from the proceedings of Parliament, and carry the debate out of doors into the full glare of publicity, to challenge the popular judgment as to the *pros* and *cons* of this constitutional struggle, and thus to make a bold bid for popular support, to pit the nation against the throne in support of the majority of its representatives. It was this unheard of and astute departure in Parliamentary tactics that angered as well as appalled the opposition. "Mr Speaker," continued the aghast Deering, "when I first heard of a Remonstrance, I presently imagined that like faithful counsellors we should hold up a glass unto his majesty. I thought to represent unto the king the wicked counsel of pernicious counsellors, the restless turbulency of practical Papists, the treachery of false judges, the bold innovations and some superstition brought in by some pragmatical bishops and the rotten part of the clergy. I did not dream that we should remonstrate downward, tell stories to the people, and talk of the king as of a third person. The use and end of such a Remonstrance I understand not; at least I hope I do not." The idea of consulting the Vox Populi on legislation pending in Parliament, of addressing the man in the street, of seeking to make party capital by means of manifestoes, platform campaigns, grand party demonstrations, so familiar to us, was to these angry Royalist orators nothing less than a revolution. It certainly was a new departure, and it might easily in the circumstances open the floodgates of revolution. But if Pym and his followers distrusted the king, they had no distrust of the nation, and in their action on this occasion we may perceive the first glimmer of a conviction that after all, not the king, not even the Parliament, but the people, is the supreme authority in such momentous political controversies. The king must not merely submit to be deprived of his right to dissolve Parlia-

ment indefinitely, and thus burke unwelcome discussion within the walls of Westminster; he must submit to have his actions, as well as those of Parliament, reviewed by the nation at large. To the king this was maddening. "You must needs speak with such of my servants as you may best trust, in my name," wrote he urgently to Nicholas on hearing of the Remonstrance, "that by all means possible the Declaration may be stopped." "Command the Lord Keeper in my name," he further urged on being erroneously informed that it was to be sent to the Lords, "that he warn all my servants to oppose it in the Lords' House." To his Royalist followers it was intolerable, and during the debates from the 9th to the early morning of the 23rd November they argued and declaimed against it with the passion of despair. "What ingratitude thus to requite his majesty for all his concessions," cried Hyde on the 19th November. "It is, nevertheless, necessary," calmly replied Pym, in effect, "if these concessions are to be worth the paper they are written on. In a question in which the rights of the subject are at stake, it is highly expedient that the subject should be rightly informed what his representatives have really done on his behalf, and that these representatives should be vindicated from the dangerous calumnies of malignant persons."

The supreme effort came on the 22nd November, the day when the final vote was to be taken. From mid-day right on till two o'clock next morning the orators *pro* and *contra* vied with one another in vehemence, and, in the closing stage, even in violence. Hyde, Falkland, Deering, Culpepper, Bridgman, Waller, Bagshaw, exhausted the possibilities of both argument and invective in this final onslaught. Rudyard, Pym, Hampden, Holles, Glyn, Maynard, urged, refuted, appealed on its behalf in their strongest manner. Politician Hyde was not against a Remonstrance in itself, but he could not see the propriety of raking up the history of a whole reign and exposing the king. Let them spare his majesty. Impassioned Falkland insisted on the danger of rousing revolutionary passions, and contradicted himself in striving to defend the bishops from the aspersion of Popery. Let them make laws, not remonstrances, and respect the king's undoubted right to choose his ministers. Aristocratic Deering,

from whose speech we have already quoted, turned pale at the thought of popular interference in legislation. "I neither look for cure of our complaints from the common people, nor do desire to be cured by them." For the rest he supported Falkland in his defence of the bishops. Hot-tempered Culpepper deemed that remonstrance of this kind was as dangerous as it was unnecessary, and strenuously denied that their writs of election warranted such a departure from constitutional usage. They were called there to treat with the king and the Lords and with nobody else concerning the affairs of the nation. He was corroborated by the legal Bridgman, who held that the House of Commons could not thus remonstrate or declare without the co-operation of the House of Lords.

There was force in some of these contentions from the theoretic point of view, but to Pym and his fellow-remonstrants it was a question of practical necessity, not of legal or other propriety, though they would not admit that there was anything in the constitution to prevent them from following the course they had chosen. There was no other expedient left them in the circumstances, and to men who believed that Protestantism was in danger of being swamped by Popery and Parliament by plots, it was time to speak out plainly and act as circumstances required. Though Pym was no safe exponent of what constituted Popery, he saw clearly enough what was needed to assure the cause he championed from shipwreck. "The honour of the king lies in the safety of the people, and we must tell the truth. The plots have been very near the king—all driven home to the court and the Popish party. . . . We have suffered so much by counsellors of the king's choosing that we desire him to advise with us about it, and many of his servants move him about them, and why may not Parliament? . . . This Declaration will bend the people's hearts to us when they see how we have been used."

Candles had long been lighted and midnight had rung out; yet three-fourths of the members kept their places in expectation of the fateful division. It was very close. There were 159 ayes to 148 noes in response to the Speaker's question whether this Declaration do now pass. The

majority was only eleven (159 to 148). Anon Mr Peard rose to move that it be printed. The motion promptly brought Hyde to his feet to ask leave to protest. His request was refused. Then the pent-up passion of the minority burst like a whirlwind over the House. The signal for the outburst was given by Mr Palmer, who jumped up to claim the right to protest in defiance of regulations. A roar of confused voices clamouring that the clerk should record their protest mingled their cries with his. "All," "All," resounded from the opposition benches, and Palmer, thus emboldened, defiantly thundered out that he protested in the name of himself and all the rest. Some waved their hats; others seized the pommels of their swords, and only the intervention of the imperturbable Hampden saved their frenzied owners from fighting it out on the spot. "I thought," said an eyewitness, "that like Abner and Joab we had all sat in the valley of the shadow of death." Addressing Palmer, Hampden drily asked him how he could know other men's minds. Whilst Palmer was explaining, his fellow-protesters had time to come to themselves, and the tempest died away in the adoption of a resolution that the Remonstrance should not be printed till further order of the House. At a subsequent sitting, however, Palmer was sent to the Tower for his defiant conduct.

Hitherto the Commons had in the main kept within the limits of the traditional constitution, had been content to act in accordance with precedent as quoted by men like Coke, Selden, D'Ewes, to measure their aspirations by the standard of the past. In this Remonstrance the majority took a bold leap into the region of experiment, ventured to accommodate themselves to new conditions. The direct appeal to the people to rally to the side of that majority against a reactionary party, against even the king, reveals a new and ominous tendency to emancipate Parliament from that conservative adherence to the past which to men like Coke, Selden, D'Ewes was as binding as the Ten Commandments. How startling the step must have seemed even to the majority of the members themselves will appear when we bear in mind how jealous the House had hitherto shown itself of publicity. It resented any attempt even of its own members to take

notes of speeches or publish their own speeches without leave, or write up a diary of proceedings, and frequently interfered to suppress it. Its Journal is a mere matter-of-fact jumble of perfunctory notes, and Rushworth, the assistant clerk, was ordered to refrain from enlarging beyond the traditional limit of the scrappiest outline of debates. To take the public into its confidence in this direct fashion was to outrage tradition with a vengeance. The events of the past six months had forced the majority to think of new expedients, to advance new claims. To men to whom victory or destruction seemed the only alternatives, the past was not the only criterion of the present. The grim earnestness which impelled them forward is well expressed in the words imputed by Clarendon to Cromwell. "If," said he to Falkland, on leaving the House, "the Remonstrance had been rejected, I would have sold all I had the next morning, and never have seen England again; and I know there are many other honest men of this resolution." The Royalists, on the other hand, could not conceal their dismay. "It (the Remonstrance) is the fear of many wise and well-wishing men," wrote Bere to Pennington, "who apprehend great distempers."

Two days after the passing of the Remonstrance, Charles arrived from Scotland and was magnificently welcomed by a Royalist Lord Mayor and his Royalist fellow-aldermen. Pealing bells and blazing bonfires to order testified to the joy of the capital, and Charles, by his hearty assurances on the score of religion and constitutional rights in general, and the prosperity of London in particular, undoubtedly roused a considerable amount of enthusiasm in his gorgeous progress to the Guildhall. "This I will do, if need be, at the hazard of my life, and all that is dear to me." "All the way his majesty rode were infinite acclamations of joy," notes the reporter (Rushworth). No wonder that Charles imagined that he could now pit the capital against the Parliament. "I see," said he, "that all these tumults and disorders have only arisen from the meaner sort of the people, and that the affections of the better and main part of the city have ever been loyal and affectionate to my person and government." The Parliamentary majority, then, it seemed, had only a rabble of apprentices, a howling Puritan mob, to appeal to.

All the wealth and respectability of the capital, and presumably of the country, were Royalist. Such an assumption did not bode well for the hope that Charles might even yet listen to the overtures of that majority. Friction was in fact immediately apparent. Sure of the capital, he abruptly dismissed the guard which both Houses, in the midst of the scare aroused by the Incident, had kept on duty day and night at Westminster. His presence, he said, was sufficient protection to his subjects. Such an action was capable of the worst interpretation, and did not tend to lessen the distrust of Pym and his followers. Even the Lords were persuaded to join in a petition for the continuance of the guard, until at least the Commons had time to present to his majesty the reasons for its necessity. Charles reluctantly consented and appointed a guard under the Earl of Dorset. The majority, however, insisted on having their own guard and adduced anew the old charge of a design to suppress the Parliament in support of their contention. "To have it under the command of any other not chosen by themselves, they can by no means consent to, and will rather run any hazard than admit of a precedent so hazardous both to this and future Parliaments."

The old fear of treachery had thus returned with Charles to make it impossible for king and majority to work together. And this fear, in spite of the popular acclamations that had gladdened Charles, was as strong in the city as in the Parliament. A crowd of citizens rushed down on the 29th November armed with swords and sticks to threaten both Dorset's soldiers and obnoxious Royalist members. "Since the king's coming," wrote Captain Slyngesbie to Pennington (2nd December), "all things have not happened so much to his contentment as by his magnificent entertainment was expected."

Charles was forced to acquiesce and leave the Commons to assure their own safety. Still the excitement would not be allayed. While the majority decried the designs against the Parliament, the minority reclaimed against the intimidation of the mob, and complained that Parliament was not free. On the 2nd December, Charles himself intervened in these recriminations in a speech to both Houses. He ex-

pressed his astonishment and disappointment to find on his return that his concessions had borne so little fruit, and that so many of his subjects had allowed themselves to be "disturbed with jealousies, frights, and alarms of dangerous designs and plots." Such fears were absolutely groundless. "Far from repenting me of any act I have done in this session, for the good of my people, I protest that if I were to do it again, I would do it, and will yet grant what else can be justly desired for satisfaction in point of liberties, or in maintenance of the true religion that is here established." Let them trust him, and make haste to provide means to suppress the rebellion in Ireland. These assurances were positive enough, and he had seemed the day before, when a deputation from the Commons presented the Remonstrance, with an additional petition, to take its contents in good part. But it is exceedingly doubtful whether he meant all he said, and Pym knew too much of the secret conclaves of the past six months to take him implicitly at his word. The air both inside and outside Parliament was too surcharged with the electricity of cross-purposes for such an incantation to spirit away suspicion and passion. How, for instance, reconcile the royal assurances of innocency and goodwill with the news from Ireland, that once more, at this critical moment, sent a thrill of indignation and apprehension through the ranks of the majority of the Commons? Sir Phelim O'Neil, who had taken Armagh (such was the news), had produced a commission from Charles, under the broad seal of England itself (subsequently found to be that of Scotland), authorising him to rise on behalf of the king against the Irish Protestants. Reflection might have suggested that this must be a forgery, and that Charles was hardly fool enough to be guilty of such rashness. But it is by no means absolutely certain that the thing was merely an audacious device on O'Neil's part to gain recruits, and Miss Hickson has at least shown that Dean Kerr's deposition, that O'Neil confessed the forgery on the scaffold, which has been held sufficient to exculpate Charles, is unworthy of credence. Both Ormonde and Charles were more deeply mixed up with the intrigues of the rebels than has generally been supposed. And if reflection might suggest forgery, it

might also suggest that there must have been some secret intrigues at the bottom of so startling a proceeding, and, what seems to have been the case, that Charles had gone so far as to countenance an Irish rising as a diversion against the English Parliament, if not as a means of extirpating English Protestants in Ireland. Whichever reflection prevailed, the impression produced was certain to be disastrous to the royal assurances in the minds of the majority. According to the rebels' Remonstrance itself, the rising was a movement on behalf of the king against the English Parliament, as well as on behalf of religious and national rights, and this fact alone was, in the circumstances, fitted to confirm suspicion of Charles' complicity.

The quarrel about the guard now sank into insignificance in view of the far larger question of the command of the army itself. If Charles was to indulge in such treacherous designs, the sooner the right to raise an army or exercise supreme command over it was taken from him the better. Thus argued Pym and his majority. Hence the Impressment Bill, which, while ordering the compulsory impressment of soldiers for service in Ireland, disallowed the king's right to press soldiers for service beyond the limits of their counties, except in case of a foreign invasion, and made the impressment in question dependent on the authority of Parliament. Hence, too, the Militia Bill, which proposed to confer the supreme command of the militia and the navy respectively, on a Lord General and a Lord Admiral nominated by Parliament. The majority of the Commons were too absorbed with the task of vindicating their own rights and guaranteeing their own safety, too narrow and too angry to entertain the demand of the Irish Catholics for toleration. They demanded the suppression of Popery in Ireland as well as England, and they succeeded in securing the support of the Lords to a declaration to this effect. They had nothing but vengeance and repression for the Irish rebels, though so sensitive to their own interests, and whatever the king should plot or profess, they were determined that he should henceforth have not a vestige of power to use any force either in Ireland or England, except on their terms. They would send an army to Ireland, but it would be an

army which would do their will, not the king's, and could not possibly be turned against themselves. Charles tried to propitiate this intolerant spirit by a proclamation requiring obedience to the religion of the Church of England as established by law (10th December). He offered, in a second speech to the assembled Houses (14th December), to accept the Impressment Bill, with a *salvo jure* saving the rights of king and people until these could be further agreed on. He was answered in a plainly worded petition from both Houses that he had no right to interfere in the debates on any Bill under discussion, and that he should abstain from such interference in future. The majority of the Lords, nevertheless, demurred to the Impressment Bill, and would have nothing to say to the Militia Bill. Along with the minority of the Commons they were still staunch in their determination to resist legislation of such revolutionary import. They might resent undue royal interference; they were not prepared to place Parliament on the throne at the bidding of a strenuous party in the Lower House.

To Charles it was now evident that this party must be crushed, if he and not Pym were to be master of the situation. He made up his mind to deal the blow which he had long meditated, but for the execution of which both the opportunity and the resolution had hitherto alike failed him. He superseded Balfour as Lieutenant of the Tower by Lunsford, in order to be able to overawe the city (22nd December). On the following day he gave an angry answer to the Remonstrance, which in defiance of his express wish the Commons, by a majority of 135 to 83, had resolved to print forthwith on the 15th. He would not surrender the bishops, nor would he submit to Parliamentary control in the choice of his ministers. He knew nothing of plotters and evil councillors, and declared his conviction "that no Church can be found upon the earth that professeth the true religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautified and free from superstition." He strove to counteract the effect of the Remonstrance, by publishing a counter-declaration to the nation, rebutting its accusations and appealing to the loyalty and affection of his subjects.

There is no reason to question his profession of "upright intentions and endeavours for the peace and happiness of the kingdom." He really wished to do his best for the nation, but he was not the man to adapt himself to changed conditions, and it was not true that he had granted all the reforms demanded by Parliament of his own free resolution and was only desirous to see them carried out for the general good. There was in fact a double personality in Charles I.—the would-be constitutional ruler, who in such public declarations had abandoned all thought of autocratic government, and the secret reactionary, who, in his private utterances, was repining under the Parliamentary yoke and was eager to cast it off.

The appointment of a desperado like Lunsford frustrated any chance of rallying the capital against the Parliament. The Common Council at once protested and appealed to the Commons. Even the minority felt that Charles had gone too far, and joined the majority in petitioning for his dismissal. The majority of the Lords, however, refused to co-operate on the plea that they could not interfere with the exercise of the prerogative in this matter. The Commons, in reply, emphasised, in a Declaration, the urgency of the danger of the kingdom as well as the capital, disclaimed responsibility for "the blood which is like to be spilt and the confusions which may overwhelm this State if this person is continued in his charge," and appealed to the minority of the Lords to co-operate. Still the majority remained passive whilst the excitement in the city rose to fever heat. The mob threatened to storm the Tower, and Charles, yielding to the entreaties of the Lord Mayor, who hurried to Whitehall to represent the danger of a popular outburst, was fain to substitute Byron for Lunsford (26th December). The concession came too late to dispel the gathering storm of popular passion. On the following day a crowd surged in front of Westminster Hall crying "No bishops," "No Popish lords," in support of a petition against Episcopacy and Popery presented to the Commons some days before. Anon, Williams, now Archbishop of York, appeared on the scene. Irritated by the clamour, he seized one of the rioters. The crowd immediately rescued him, and roughly handled the archbishop. Williams

found a defender in a disbanded soldier, who drew his sword and swore that he would cut the throats of those Round-headed dogs who bawled against bishops. "This passionate expression," adds Rushworth, "as far as I could ever learn, was the first minting of that term of Roundheads which afterwards grew so general." The scuffle outside was continued in Westminster Hall itself, where the rioters ran amuck of the obnoxious Lunsford and a party of officers, who drew their swords and hunted them into the street with some effusion of blood. The news of the fray brought more rioters on the scene. These forced their assailants in turn into flight, and kept up the demonstration for several hours in front of the Parliament Houses. The appeal to the people had brought a different response from what Charles bargained for. "I pray God," wrote Under-Secretary Bere to Admiral Pennington, "we find not that we have flattered ourselves with an imaginary strength and party in the city and elsewhere, which will fall away if need should be."

Such mob interference with the deliberations of Parliament was, in ordinary circumstances, intolerable, but Charles, by his maladroit conduct, had done his best to precipitate it. The capital had become an armed camp; the fear of revolution was in every heart. "These distempers," wrote Bere, "have so increased by such little skirmishes, that now the trained bands keep watch everywhere, all the courtiers are commanded to wear swords, and a *corps-de-garde* (guard house) is built within the rails by Whitehall; all which fills every one with fears and apprehensions of greater evils." It was now the turn of the Lords to ask the Commons to join in a protestation against the popular violence, and in a petition to the king for a guard. It was now, too, the turn of the Commons to refuse. It would be both unreasonable and impolitic, argued the majority, to condemn the people when so many designs and plots were daily being hatched against the safety of Parliament. They would do no more than join in the request for a guard on condition that Essex should command it. The friction between the two Houses had reached an acute stage, and Pym had already (3rd December) hazarded the startling opinion that as the Commons were the representatives of the whole nation, and the Lords but "particular

persons," it was for the Upper House to bow to the will of the national representatives in any legislative crisis. The recrimination was aggravated by Digby's motion "that Parliament was not free," which the Commons resented as an imputation on themselves. It looked as if these recriminatory legislators were bent on giving Charles a plausible pretext for overruling the Dissolution Bill, and commanding them to cease from troubling him or the nation by their contentions.

From this fate they were saved by the bishops. The bishops had some reason for opining that, as far as they were concerned, Parliament was *not* free, and had consequently ceased to attend. But they did so in terms that roused the anger of the Lords, and brought both Houses once more into line in a common cause. They not only claimed the right to attend and vote without let or hindrance; they protested that all measures passed in their absence were null and void (30th December). In their resentment at what they considered to be a high misdemeanour against the privileges of their House, the Lords at once summoned the Commons to a conference, and as the result of this conference, Mr Glyn appeared at the bar of the Upper House on the morrow to impeach the bishops of high treason and to demand their imprisonment. The demand was forthwith conceded. Thus the unlucky prelates had not only at a critical moment restored harmony between the two Houses; they had given the majority of the Commons the opportunity of carrying out, though from different reasons, that impeachment which they had been in vain pressing on the Lords for months.

Here was a new conundrum for the hapless Charles to solve. Even within a couple of days of his desperate *coup*, he was still hesitating as well as resolving. On the one hand, he had established a strong guard at Whitehall and was quietly collecting a force under the pretext of raising volunteers for Ireland; on the other, he actually persuaded himself to summon Pym to fill the office of Chancellor of the Exchequer, and thus make a bid for the support of the majority. Finally, he substituted Culpepper for Pym and made Falkland Secretary of State, and thus, relying on the support of the minority, he determined to strike at the majority through their leaders. The blow was precipitated by the rumour that

the majority intended to impeach the queen. On the 3rd January the Attorney-General Herbert accordingly appeared at the bar of the Lords to accuse Lord Kimbolton (Mandeville) and five members of the Commons of high treason. The Commoners were Pym, Hampden, Holles, Hazelrig, and Strode. Their treason, the Attorney-General asserted, consisted in an endeavour to subvert the fundamental laws and government of England, to alienate the loyalty of the subject, to tamper with the allegiance of the army, to procure the invasion of the kingdom by a foreign power (Scotland), to levy war against the king, to subvert the rights of Parliament, and to establish a régime of force and terror by raising tumults against both king and Parliament. The charge on which Charles evidently relied most to prove his case was their secret communications with the Scots, which the accused could, however, defend on the ground of the danger to which Charles' Scottish policy had exposed England itself.

Without waiting for the decision of the Upper House, which appointed a committee to inquire into precedents, Charles issued writs for their apprehension, sent a sergeant-at-arms to the Lower House to demand their delivery, and ordered their chambers to be searched and sealed. The majority of the Commons, while courteously replying that they would take the message into consideration, and undertaking that the accused would be ready to answer any legal charge against them, refused to deliver them, and raised the cry of Privilege. They resolved to summon the royal officials, who had invaded the houses of the accused members, as delinquents, and declared that such members might forcibly resist such aggression as a breach of the privilege of Parliament. To these resolutions the Lords gave their approval, and joined the Commons in demanding a guard.

Charles had now both Houses as well as the city, to which the Commons appealed for protection, against him. He was nevertheless, determined not to flinch this time, and the hysterics of the queen, as well as the exhortations of some of his councillors, helped to confirm his determination. On the morrow he set out for Westminster at the head of several hundred armed men to arrest them himself. He went on a bootless errand. The accused had been warned by the Earl

of Essex and the French ambassador, and, at the instigation of the House itself, had retired to the city. As he strode into the House, accompanied by the Palsgrave, the members could see the fierce faces of the soldiers who pressed into the lobby after him and who were swearing vengeance on rebel legislators and, according to report, were quite prepared to kill or capture the whole Parliament at the slightest encouragement. Leaving the Earl of Roxburgh to guard the door, Charles went to the Speaker's chair, whilst the members stood up in chilly silence to receive him. From the keenness with which he scanned the spot near the bar, where Pym usually sat, as he strode forward, the House could guess what was coming. "By your leave, Mr Speaker," said he, addressing Lenthal, who stepped out to meet him, "I must borrow your chair a little." "Gentlemen," he began, after running his eye over the benches in front, "I am sorry for this occasion of coming unto you. Yesterday, I sent a sergeant-at-arms upon a very important occasion to apprehend some that by my command were accused of high treason; whereunto I did expect obedience, and not a message. And I must declare unto you here that, albeit no king that ever was in England shall be more careful of your privileges to maintain them to the uttermost of his power than I shall be, yet you must know that in cases of treason no person hath a privilege. And, therefore, I am come to know if any of these persons that were accused are here."

"I do not see any of them," he muttered, while he paused to scan the benches. "I think I should know them."

"I must tell you, gentlemen," he resumed, "that so long as these persons that I have accused (for no slight cause, but for treason) are here, I cannot expect that the House will be in the right way that I do heartily wish it. Therefore, I am come to tell you that I must have them wheresoever I find them."

"Is Mr Pym here?" queried he, after another pause. Glacial silence.

"Is Mr Holles here?" Again there was no answer.

"Mr Speaker," said he, turning to Lenthal, "are any of these persons in the House?"

"May it please your majesty," returned Lenthal, "I have

neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me."

"Well, well," returned Charles, "'tis no matter. My eyes are as good as another's."

Another long pause and "a dreadful silence" ensued.

"Well," resumed he, after this painful survey, "since I see all the birds are flown, I do expect from you that you shall send them unto me as soon as they return hither. But I assure you, on the word of a king, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other. And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, that whatsoever I have done in favour and to the good of my subjects, I do mean to maintain it."

With vexation stamped on his face he strode towards the door to rejoin his impatient guards, who meanwhile had been indulging in no very parliamentary language. According to D'Ewes, who surely exaggerates, the intention of these desperadoes was not only to carry off the accused members by force, in case the House refused to surrender them, but to massacre every one of their fellow-members who offered the slightest resistance. There can be no doubt, at any rate, that the House would have doggedly resisted this outrageous attempt had Charles been able to surprise the accused in their places. His exit was the signal for an outburst of angry dissent. "The House," notes Rushworth, "was in great disorder, and many members cried out aloud, so as he might hear them, 'Privilege,' 'Privilege.'"

Charles had committed an enormous blunder as well as an outrage. He could not have done anything more calculated to intensify distrust and hostility both inside and outside Parliament. He had simply aroused the insurrectionary spirit without attaining his immediate object, had "bred such a distemper both in the Cittie and Houses of Parliament," to quote a contemporary letter-writer, "that we are not free from the fears of an insurrection." A more astute man would at least have taken pains to assure himself against such a rebuff. The procession of some hundreds of armed men from Whitehall to Westminster was not likely to deceive those on the watch for

events. The Commons had, in truth, been warned by Essex and the French ambassador a couple of hours before Charles set out on his fool's errand.

Charles never showed himself equal to a crisis. He always makes the impression on such occasions of trying to play a rôle beyond his powers. The hero of the piece is always a failure. Whether in presence of Leslie's host on Duns Law, or the angry crowd before Whitehall clamouring for Strafford's head, or the sullen, impassive Commoners at Westminster, the impression is the same—that of the weak man trying to act the strong man and only exposing his weakness and earning discredit for his pains. It is evident that he could not risk more such displays of impotence with impunity.

In its agitation the House forthwith adjourned till the morrow. On the morrow (5th January) it passed an order declaring the royal conduct to be "a high breach of the rights and privileges of Parliament," which called for prompt reparation, adjourning itself till the 11th January, and appointing a committee, of which the whole House might be members, to sit meanwhile at the Guildhall. On the same day Charles made an equally futile attempt to run his prey to earth in the city. His progress, while going and coming, was greeted with renewed cries of "Privilege," and one determined champion of the Parliament threw into his coach a paper with the ominous words, "To your tents, O Israel" —a plain intimation that Charles, like Rehoboam, had forfeited his crown. "Yesterday," wrote Slyngesbie to Pennington on 6th January, "it was my fortune, being in a coach, to meet the king with a small train going into the city; whereupon I followed him to the Guildhall, where the Mayor and all the Aldermen and Common Council were met. The king made a speech to them, declaring his intentions to join with the Parliament in extirpation of Popery and all schisms and sectaries, and of redressing of all the grievances of the subject, and his care to preserve the privileges of Parliament, but (declared his intention) to question these traitors. . . . After a little pause a cry was set up amongst the Common Council, 'Parliament!' 'Privileges of Parliament!' and presently another, 'God bless the King.' These two continued both at once a good while. I know not which was loudest. After

some knocking for silence, the king commanded one to speak, if they had anything to say. One said, 'It is the vote of this court that your majesty hear the advice of your Parliament'; but presently another answered, 'It is not the vote of this court; it is your own vote.' The king replied, 'Who is it that says I do not take the advice of my Parliament? I do take their advice, and will; but I must distinguish between the Parliament and some traitors in it, and these he would bring to legal trial.' Another bold fellow in the lowest rank stood upon a form and cried, 'The Privileges of Parliament.' Another cried out, 'Observe the man; apprehend him!' The king mildly replied, 'I have and will observe all privileges of Parliament, but no privileges can protect a traitor from a legal trial,' and so departed. In the outer hall were a multitude of the ruder people, who, as the king went out, set up a great cry, 'The Privileges of Parliament.' At the king's coming there was a mean fellow came into the privy chamber, who had a paper sealed up, which he would needs deliver to the king himself. Owing to his much importunity, it was urged he was mad or drunk, but he denied both. The gentleman usher took the paper from him, and carried it to the king, desiring some gentlemen there to keep the man. He was presently sent for in, and is kept a prisoner, but I know not where."

Charles had evidently alienated public opinion, despite the ardent support of a Royalist faction, and public opinion was now in England a force which it was dangerous even for a king to challenge in this cavalier spirit. He was indeed, within a few days, fain to recognise the fact. On the 7th the deputies of the Common Council appeared at Whitehall to petition in favour of the privileges of Parliament. In reply he instanced the prevalence of tumult and sedition in vindication of his action. He was still resolute to compass his purpose. He was singularly ingenuous; too sanguine by far to look facts in the face. In the presence of the determined opposition of the city, it was nothing short of madness to persist in appealing to force. Against his few hundred cavaliers the city trained bands were ready to rise in their tens of thousands in defence of the Parliament, and that very night 40,000 of them rushed to arms, in spite of the Lord Mayor, on

a false alarm that Lunsford and his desperadoes were on the war-path. Still Charles persisted, and on the 8th fulminated a proclamation commanding the subjects to seize the accused members. The response of the Commons' committee, which had meanwhile been busy debating and resolving the illegality of the king's proceedings, was to condemn the proclamation as false and scandalous, to declare that whoever should carry it into effect was "an enemy of the commonwealth," to invite the five members to resume their seats, and to summon the trained bands, under Skippon as major-general, in virtue of their own authority, to protect them. On the 10th Pym and his fellow-fugitives accordingly entered the Grocers' Hall, whither the Commons had removed, amid the acclamations of the people and the welcome of their fellow-members.

Charles saw that he was worsted, and that afternoon set out in a panic from Whitehall, *en route* for Hampton Court and Windsor. On the following day the Commons, with the five members in their midst, were rowed up the river to Westminster, under the protection of the trained bands and amid the rejoicings of the vast crowds that escorted them by land and water. It seemed as if the people were celebrating the discomfiture of their king as well as the triumph of their representatives. At that moment Pym, rather than Charles, was king; at all events, Parliament seemed supreme in the land. "What these distempers will produce," wrote Wiseman to Pennington, "the God of heaven knows, but it is feared they cannot otherwise end than in blood."

SOURCES.—Lords' Journals, iv. and v.; Commons' Journals, ii.; State Papers, 1640-42, edited by Hamilton; Sir Ralph Verney's Notes of Proceedings in the Long Parliament, edited by Bruce for Camden Society (1845); Scobell, Collection of Acts and Ordinances; Gardiner, Constitutional Documents of the Puritan Revolution; Rushworth, Collections, iv.; Nalson, Impartial Collection, ii. (this Royalist author's comments are anything but impartial); May, History of the Long Parliament; Bate (one of Charles' physicians), Elenchus Motuum (1663); Whitelocke, Memorials; Clarendon, History of the Rebellion, ii. and iii. (often untrustworthy and requires to be read in a critical spirit); Parliamentary History, ii.

(partly antiquated); State Trials, iv.; Forster, Lives of Pym, Hampden, Vane, Cromwell, Martin in Lardner's Cabinet Encyclopædia (1837-38); Whitelocke, Memoirs of Bulstrode Whitelocke (1860); Ranke, History of England, vol. ii. The following are indispensable to any one studying the older authorities; they both correct and amplify them:—Sandford, Studies of the Great Rebellion; Forster, The Debates on the Grand Remonstrance (1860), and, Arrest of the Five Members (1860); Gardiner, History of England, x. (1891). These three writers have made ample use of D'Ewes' Diary. Mr Sandford and Mr Forster have, in fact, based their narratives almost entirely on the account of the erudite antiquary, who was also an active Member of Parliament. Of the three, Mr Gardiner's work is the most judicious. Mr Forster writes in too partisan a spirit on the side of the Parliament's champions.

For Scottish affairs see State Papers; Register of the Privy Council of Scotland, vii., edited by Hume Brown (1906); Baillie's Letters, i.; Hardwicke, State Papers, ii.; Burnet's Lives of the Dukes of Hamilton; Bishop Guthry's Memoirs; Burton, History of Scotland, vi.

For Irish affairs—Contemporary History of Affairs in Ireland (1641-52), or, Aphorismical Discovery of Treasonable Faction, edited by J. T. Gilbert, Irish Archæological and Celtic Society (1879), containing large selection of original documents; Bellings' History of the Irish Confederation (1641-43), edited by Gilbert, 1882. The author was Secretary of the Council of the Confederation. These give the Catholic view of the rising. Miss Hickson, Ireland in the Seventeenth Century, containing the Depositions as to the Massacres (1884), written from the Protestant standpoint; Ormonde Papers (1641-60), edited by Carte (1739).

CHAPTER XVI.

The Supremacy of Parliament (January-August 1642).

If the quarrel were to continue, it was evident that the Commons would end by proclaiming and applying this supremacy. It was no longer a question of constitutional precedents, but of practical exigencies. We have reached the revolutionary stage when circumstances, not traditions, furnish the grand motive power of action. The right to direct belonged, from the practical point of view, not to the worsted, but to the triumphant party. Charles would have to do the will of Parliament, not his own, if the crown was to remain on his head. Events had forced the question of sovereignty into the arena of practical politics, and no act of the king could now be the act of a sovereign except as signified by both Houses of Parliament. In other words, no executive act could be valid without Parliamentary assent, and if Charles protested or resisted, the nation must yield obedience to Parliament in preference to him. Such was the alternative towards which events now rapidly tended. The question might occur whether Parliament in its sovereign function really represented the nation. That question is rather for the historian than the practical politician to ask.

If Charles was not the man to achieve victory, he was not the man to accept defeat. Even yet he would not abandon his case against the five members. He would "waive his former proceedings," he informed the Commons, would be "as careful of their privileges as of his life or his crown." But he would "proceed," all the same, "in an unquestionable way." That is to say, he would not accept the return of the five members, with the approval of their fellows, as a decisive termination of the affair. The Commons had already shown what they thought of these "proceedings," and they in turn now proceeded to impeach the Attorney-General for his share

in them. They called on Charles to produce proofs in order that their guilt or innocence might be established in a legal manner. Charles ultimately tried to hush up the matter by the offer of a general pardon. The quarrel had, however, gone too far for him to be allowed to retrieve his blunder in this furtive fashion. The Lords and Commons insisted on the vindication of the privileges of Parliament and the innocence of the accused, and repeated their demand for the delivery of the authors of these calumnies to justice. To hush up or compromise was now impossible. Both sides were, in fact, already taking measures that pointed to the arbitration of the sword. Charles, for example, sent an emissary northwards to secure Hull, where there was a magazine of war material collected on the occasion of the Scottish invasion, and where foreign mercenaries might find a safe landing-place. The Parliament, on its side, anticipated by sending Sir John Hotham's son to take possession in its name. Still more ominous of civil war was the order, "in the name of the Lords and Commons," to the sheriffs of counties, *apropos* of an attempt of Lunsford and Digby to seize the magazine at Kingston in Surrey, to raise the trained bands and suppress all such attempts wherever they might be made. A similar Parliamentary order was sent to Colonel Goring not to surrender Portsmouth or allow any armed force to enter it, except by authority of Parliament. By taking these precautions for the safety of the kingdom, Parliament was calmly superseding the king and assuming the royal function in a superlatively important matter. It was doing so, however, in no rebellious, factious spirit, but acting from what it considered, with no small justification, dire necessity. It would be to misinterpret the motives of its members to believe the denunciations of Royalist critics, like Bate, who saw nothing but faction and disloyalty in the Parliamentary attitude. "They are the greatest and only rebels I know in England," wrote Smith to Pennington on 17th January, (who) "go about the kingdom raising tumults and false reports to put the land into an uproar if they can, and scandalise the honourable and just proceedings of the Parliament with lying and unjust imputations."

These precautions were in fact the preliminary to the

Militia Ordinance, which went brusquely beyond the Militia Bill of December, and enacted that the militia and the fortresses (including the Tower) should be placed under the command of persons nominated by Parliament. The Lords at first hesitated to challenge the undoubted prerogative of the king in this matter, but ultimately gave way and joined in the petition of the Commons to this effect (2nd February). Charles demurred. If the Parliament would declare the extent of the powers to be conferred on their nominees and limit the time for their exercise he would consent, provided further that he discovered no reason to take just exception to them. He tried to frustrate further insistence by giving his consent to the Clerical Disabilities Bill which deprived the bishops of their seats in the Upper House, and which the Lords had at length passed in deference to numerous petitions, and to the Impressment Bill which limited his right to press soldiers by the consent of Parliament (13th February). All chance of a compromise was, however, dashed by the discovery of fresh intrigues by the queen and Digby, who had both crossed the Channel to organise an invasion from Holland and Denmark. Parliament, therefore, refused to limit its demands. The commanding officers to be appointed must be responsible for the exercise of their powers to Parliament, and should exercise these powers pending its pleasure. Charles, nevertheless, clung to his reservations. "His majesty," he bade the Lord Keeper Lyttleton reply on the 28th February, "cannot consent to divest himself of the just power which God and the laws of this kingdom have placed in him for the defence of his people, and to put it into the hands of any other for any indefinite time."

The reply of the Lords and Commons on the 1st March was in the nature of an ultimatum. "Unless you shall be graciously pleased to assure them by these messages that you will speedily apply your royal assent to the satisfaction of their former desires, they shall be enforced, for the safety of your majesty and your kingdom, to dispose of the militia by the authority of both Houses in such manner as hath been proposed unto your majesty, and they resolve to do it accordingly." They further demanded that he should eschew wicked councillors and return to London.

"I am so amazed at this message," returned Charles on the following day, "that I know not what to answer. You speak of jealousies and fears. Lay your hands to your hearts and ask yourselves whether I may not likewise be disturbed with fears and jealousies. And if so, I assure you that this message hath nothing lessened them. For the militia I thought so much of it before I sent that answer, and am so much assured that the answer is agreeable to what in justice or reason you can ask, or I in honour grant, that I shall not alter it in any point. For my residence near you, I wish it might be so safe and honourable that I had no cause to absent myself from Whitehall; ask yourselves whether I have not."

The answer of the Commons was resolute enough. "Those that advised his majesty," resolved they, "to give this answer are enemies of the State, and mischievous projectors against the defence of the kingdom."

The retort of both Houses on the 5th March was to pass the Militia Ordinance, with a modification to the extent of leaving out the king's name and simply ordaining "by the Lords and Commons now in Parliament assembled." There were, however, differences of opinion. "Some," we are informed by Rushworth, "declared that the power of the militia was solely in the king, and ought to be left to him, and that Parliament never did, nor ought to meddle with the same." The opinion was weighty from the constitutional point of view, but in revolutionary times, when the supreme question is to secure the mastery, any argument comes handy. "Others," continues Rushworth, "were of opinion that the king had not this power in him, but that it was in Parliament, and that if the king refused to order it according to the advice of Parliament, that then they, by the law, might do it without him." This was the argument of expediency. In an emergency such as this, when the king cannot be trusted, Parliament was entitled to interpret the law in accordance with the safety of the State, and ensure its tranquillity by placing the national forces under its orders. It was at least appropriate to the time, and Charles, by his blunder in attacking the privileges of Parliament and retiring from the capital, had done his best to give force to it. That the Lords and Commons did not,

however, mean thereby virtually to dethrone the king is evident from the fact that a large number of Royalists was included in the list of officers nominated. It was a precautionary measure; nothing more. The supreme point was that, in the existing danger of a reaction, these officers should be under their direction. Others, again, believed that this power was neither in the king nor the Parliament, but in both together. The king may have the power of the sword, but Parliament has the power of the purse, and without the purse the sword is useless.

In defence of their action they sent a deputation to Newmarket to present a Declaration which was a grand remonstrance in miniature, and to urge anew the surrender of wicked councillors and the royal return to London. Charles gave the deputies an angry reception. He had promised the queen, before her departure to the Continent with the crown jewels to win friends, to remain firm, and he kept his word. "What would you have? Have I violated your laws? Have I denied to pass any Bill for the ease and security of my subjects? I do not ask you what you have done for me. Have any of my people been transported with fears and jealousies? I have offered as free and general a pardon as yourselves can devise. All this considered, there is a judgment from heaven upon this nation, if these distractions continue."

The Declaration was very much to the point, and during its recital by the Earl of Holland Charles completely lost his usual self-control. "That's false," "'Tis a lie," he burst out in comment on several passages. "It is a high thing to tax a king with breach of promise." "What have I denied the Parliament?" he asked Holland. "The militia," was the reply. "That was no Bill," returned Charles. "It was a necessary request at this time," answered Holland. "I have not denied it," was the retort. Even yet, in spite of petitions and remonstrances, Charles had not realised the necessities of the situation. Nothing short of absolute certainty would restore confidence in his word. He must be deprived of any possibility of shirking the fiat of the nation, expressed through its representatives. On the morrow, in further conference, the two parties were as far from

understanding as ever. After some futile debate, Pembroke asked Charles to explain what he would have. "I would whip a boy in Westminster school," returned he, "who could not tell me that by my answer." "Would he not then grant the militia?" queried Pembroke. "By God," swore Charles, "not for an hour. You have asked that of me in this was never asked of any king, and with which I will not trust my wife and children."

In this spirit he sent a message to both Houses, laying it down as a fundamental law that no subject can be obliged to obey any Act or order to which his majesty hath not given his consent.

The answer of the Lords and Commons was equally explicit. On 16th March, they resolved: "That when the Lords and Commons in Parliament, which is the supreme court of judicature in the kingdom, shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of Parliament."

The recrimination briskly continued in a series of petitions, declarations, messages which only widened the rift in the commonwealth. Charles laboured in vain to exculpate himself from the charges of evil designs against the Parliament, and reiterated his counter-charges. The Parliament plainly did not believe much that he said in self-vindication. It cited the arbitrary acts committed both before and during the Long Parliament in confutation of his professions, and adduced facts to prove that Digby, whom it impeached, was busy plotting a foreign invasion in conjunction with the queen. It proceeded to exemplify the powers it claimed by ordering Northumberland, the Lord High Admiral, to instal Warwick as Vice-Admiral in preference to Pennington, the king's nominee (4th April). Charles made one more attempt at accommodation. He proffered a Militia Bill of his own, which proposed to entrust the command to the persons named by Parliament for one year pending his absence in Ireland. It was passed by Parliament, but with such modifications that he refused his assent. "What," asked Charles, "would all Christian princes think of us after we had

passed such a Bill?" (28th April). Such a question was little fitted to convince the Parliament of its errors. What foreign potentates might think of Charles' royal prestige was of little consequence, compared with the question of the security of England from a royal tyranny based on foreign models, whose establishment it feared. His sovereignty was, in truth, a thing of the past in the eyes of those Englishmen who held fast to the conviction that it was incompatible with the safety of the commonwealth. When, on the 23rd April, he appeared before Hull to demand admission, the younger Hotham raised the drawbridge and declared from the wall above that he was bound to obey the Parliament. It was a bitter humiliation for the man who had been brought up on the high maxims of James I. In his distress he turned once more to Scotland for help. Scotland, under Argyll's auspices, was not prepared to espouse his cause, and the Scottish Council advised him to come to terms with his Parliament. It was to advise the impossible. Further interchange of communications only made the situation more hopeless, and on the 27th May Charles absolutely prohibited by proclamation the trained bands from obeying the Ordinance of Parliament.

The proclamation called forth the Nineteen Propositions (1st June), which demanded, *inter alia*, that all ministers and Privy Councillors not approved by Parliament should be dismissed from their offices, that all great affairs of State should be debated and resolved by Parliament only, that matters proper to the Privy Council should be transacted by Councillors approved by Parliament, and no act of Council should have validity unless passed by a majority, that the appointment of all high officials of State should be subject to Parliamentary approval, that the recusancy laws should strictly be put in execution, Charles' government reformed as Parliament should advise, the Militia Ordinance accepted and the proclamation against it recalled, Privy Councillors and judges be bound on oath to maintain the Petition of Right, all fortresses placed under the command of officers appointed by Parliament, and the accused members cleared by Parliamentary Act.

Parliament is thus the grand factor in government as

well as legislation, and King Charles is merely the executant of its will, the mere chairman of a body of trustees acting for the nation. He has practically no executive power in himself, no right to resist Parliament on the plea of law or tradition. In any case of contention with the king, its vote is law, its authority supreme. And Parliament not only assumed its virtual sovereignty in these propositions; it enunciated it unequivocally in a declaration in reply to the proclamation against its Ordinance. "The High Court of Parliament is not only a court of judicature, enabled by the laws to adjudge and determine the rights and liberties of the kingdom against such patents and grants of his majesty as are prejudicial thereto, although strengthened both by his personal command and by his proclamation under the great seal; but it is likewise a council to provide for the necessities, prevent the imminent dangers, and preserve the public peace and safety of the kingdom, and to declare the king's pleasure in those things as are requisite thereunto; *and what they do herein hath the stamp of royal authority, although his majesty, seduced by evil counsel, do in his own person oppose or interrupt the same;* for the king's supreme and royal pleasure is exercised and declared in this High Court of law and council after a more eminent and obligatory manner than it can be by personal act or resolution of his own."

Parliament, as the representative of the nation, is the real sovereign of the State. Such is the doctrine of Pym. The State, thus governed by a sovereign Parliament, may be no formal republic. There is still room for a king, even a hereditary king, but the will of this king must coincide with the will of Parliament, and if not, it is for the king to give way in deference to its collective will. In his proclamation against the Militia Ordinance, Charles had demanded obedience as "sovereign lord," and had based his claim to this obedience on a statute of Edward I. He was now told that he was not sole sovereign lord, but only a partner in the sovereignty, and, in case of any critical contention with Parliament, but a subordinate partner. He was further told that the statute referred to had no bearing on this matter, and would not bear the meaning he sought to put upon it. In the assertive mood of Parliament, it is probable that no

statute that he could have quoted would have had any weight. For the significant fact is that Parliament is ready to go beyond precedent and tradition and to act and argue as national necessity directs. It has ventured to take a step in advance, to grapple with a question as the present, not the past, dictates. In this sense it had become a progressive body, responsive to new ideas, aspirations. Not that it championed the great modern principle of toleration or the doctrine of the sovereignty of the people in the full modern sense. It was still excessively narrow in its religious views and firmly believed that a Parliamentary vote was sufficient to supersede the voice of conscience. It was the sovereignty of Parliament, as then constituted, not of the people in the larger sense that it championed. It did not pause to ask whether Parliament, as thus constituted, really represented the people. It could not of course do so. It was fighting for supremacy, in defence of what it believed to be the true interests of the nation, and the hour of conflict was not the time to enter into questions of franchise or redistribution. These would force themselves into prominence later. Its assumption of sovereignty was simply directed against a king whom, in its view, it was dangerous to trust with its exercise, and on grounds of utility as well as reason it would not be restrained from asserting its supremacy by mere traditional arguments. Charles having failed as a ruler, it will simply ensure that government shall be under its control for the future. From the point of view of a Pym, who believed firmly in the danger of allowing Charles to rule on the old terms, it is easy to see the cogency of this reasoning. Pym, we believe, was not far wrong. Charles' blunders and intrigues made it very difficult to come to any other conclusion. Parliament must master him or depose him.

The experiment of a Parliamentary supremacy was, however, in the circumstances, not without *its* dangers. Suppose this Parliament continued, in virtue of the Dissolution Bill, to exercise the sovereignty without reference to the will of the nation? Suppose it persisted in carrying out an ecclesiastical revolution that a large section of the nation abhorred, as appeared from the counter-petitions presented from various

parts of the country, notably from Kent? Suppose it should ostracise the minority and become but a faction? Suppose, finally, it tried to do what a large deliberative assembly is unfitted to do—assume the executive function, the work of the few? There certainly was room for dubiety as to the trend of things, and it was this dubiety that enabled Charles to rally a strong party to his side in the shock of contending armies that ere long gave place to the war of words. It would only be tedious to follow this war of words further. The positions of the two parties are sufficiently defined. It is simply a case of king and Church on the one side, of Parliamentary supremacy over both on the other. It was this issue that split the nation into Cavalier and Roundhead, that sent a section of both Houses, with Hyde, who had acted as Charles' trusty adviser since the rupture with Parliament in January, in the van, northward to join the king at York, and second their opposition with their swords. The two Houses had acted with apparent unanimity since the protest of the bishops and the arrest of the five members. There were, however, animosities in both, and the former majority of the Lords had latterly been attenuated by absenteeism. Even without the bishops, the voting power of the peers had been materially reduced before the climax was reached.

It was this conflict of principle that was now to be put to the arbitration of the sword by both sides. On the 11th June Charles issued Commissions of Array ordering the trained bands to muster under officers selected by his commissioners. He appealed again to Scotland for assistance, while the queen was making strenuous exertions to secure the active intervention of France, Holland, Denmark. The response of Scotland was not encouraging. The men of Fife and the Lothians rallied to the support of Argyll, and the Scottish Council sent word once more to Charles to come to terms with his Parliament. The fleet, too, refused to recognise the Lord Admiral appointed by him, and declared for Warwick, the nominee of Parliament.

On its side the Parliament was not slack in making counter-preparations. In the beginning of July it appointed an executive under the name of a Committee of Safety, and

voted the levy of an army of 10,000 men under the Earl of Essex as general. It published a declaration, laying the responsibility for the war on Charles, who had meanwhile advanced to attack Hull. It was loth, however, to unsheathe the sword, and proposed an accommodation. Its petition to this effect merely resulted in more futile messages and declarations, and Charles at length put an end to further parley by proclaiming Essex and his fellow-officers traitors (9th August). Thereupon Lords and Commons swore to live and die with their commander, and in turn declared all who should engage in a war against Parliament traitors to their country. The climax came at last when, on the 22nd August, the royal standard was raised at Nottingham in the presence of the king, his two sons, and his two nephews, Rupert and Maurice, amid cries of "God save King Charles and hang up the Roundheads."

Towards this climax both sides had been working, and both sides must bear the responsibility. The Royalist who would exculpate Charles is as biassed as the out-and-out champion of the Parliament who can see no defects in the Parliamentary position. Charles had forfeited the confidence of Parliament, and he could only regain it by accepting the terms offered him. These terms were very exacting, and it was natural that he should resist. His religious convictions and his firm belief in his inherited rights made surrender difficult, if not impossible. He had the misfortune to be wedded to a system to whose realisation he was unequal, and he persisted with a determination, which flowed from no source of strength of character and supereminent ability, in hugging his belief in his system and in himself. Constitutionally, if not personally, he had, however, strong arguments to adduce in support of his contentions. He came, as the conflict progressed, to occupy the position which the Parliament had left, to appeal to law and precedent. Coming from a stronger man, the appeal might have prevailed. Coming from Charles, it was absolutely impotent. He had long lost the chance of making any impression on his opponents. From the day that Strafford died, it was his interest and his policy to make friends of Parliament, and by relinquishing all thought of a reaction, endeavour to work with it without

reservation. If he was too weak to save Strafford, he was too weak ever to hope to engage successfully in a struggle with the powerful body that had sent Strafford to his doom. Reaction might help him, but Charles was not the man to lead a reaction to victory in the face of the strong men opposed to him, of a Pym, a Hampden, a Cromwell, and many more, born to fight for victory in such a cause. The age produced the men to make it what it was, and thus hereditary pretext had no chance against high ability, strenuous purpose. Moreover, by his blunders and his underhand tactics he merely worked into the hands of the majority that no reaction could subvert. Had he known where his real interest lay, and unreservedly nurtured a spirit of confidence, he would have saved the bishops, and there would have been no Militia Bill or Ordinance. It was not the least of his blunders that he persisted in ignoring the facts of the situation which his incapacity for getting in touch with actuality had created. He preferred to follow his own bent and yield to hostile influences. Of these the most pernicious was that of a queen who had imbibed the absolutist maxims of her race, and whose religion and intrigues alone were fatal bars to the maintenance of confidence between king and people. The influence of a Laud and a Wentworth, which remained after the scaffold or the prison had removed them from the stage, was only less fatal. For a Laud the duty of the subject is obedience. There are neither rights nor wrongs as against the king. His majesty's personal wishes and policy stop all remonstrance, all criticism, and this infatuated loyalty could only lead the object of it to disaster. This influence contributed to nurse the imagination that he could still put back the clock and afford to ignore the spirit of the age. But the *Zeit Geist* in 1642 was something very different from the *Zeit Geist* in the age of Elizabeth. The self-consciousness of Parliament had grown steadily since Elizabeth's death, and Charles, whose maladroit measures had imparted such an impulse to it, was too weak a man and ruler to attempt to stem it.

On the other hand, Pym and his followers were inclined to be too precipitate, intolerant, uncompromising. There were several occasions on which they might have tried the

experiment of taking Charles at his word, times when he evidently used the language of complete assurance, unless we are to believe that he was one of the most consummate hypocrites of history. It would have been risky, in general, to place absolute reliance on his word, owing to his inveterate habit of meaning more or less than he said. He was prone to extricate himself from a present difficulty with a future hope of ultimately retracing his steps. But after the absolute failure of his policy of coercion, he was brought so low as to confess his errors in explicit terms. Such a confession could only have been wrung from him when there was no possible room for subterfuge, and it made it very difficult for him to risk thus discrediting himself a second time. Pym and his followers might, therefore, have allowed the angry passions conjured by the attempt on the five members to subside, and accepted his confession as sufficient reparation. They might have refrained from pushing their ecclesiastical policy to the verge of revolution, in deference to the convictions both of the king and a large section of the nation. They might have evinced more self-restraint and insight. Had they foreseen the dangers that lay ahead from the self-assertion of this particular Parliament as well as from Royalist reaction, they would doubtless have tempered zeal with discretion. That they did not foresee is hardly a crime, though it certainly was a mistake. What they did see, and what we should probably have seen in their place, was the present danger of stopping short of absolute guarantees against reaction towards the irresponsible régime of a Strafford and a Laud. The Petition of Right had not prevented Charles from ruling in an irresponsible fashion, and men who had lived through these years of illegality and oppression might be excused for opining that, with a Charles on the throne, not even triennial Parliaments, not even Dissolution Bills, nothing but absolute mastery would forestall their recurrence. It was after all very unlikely that a man like Charles Stuart, who would naturally give ear to counsellors who consulted his convictions and prejudices, would not take the first opportunity of ignoring the limits imposed on his prerogative. The plain fact was that with such a king and such a Parliament, government and legis-

lation had become unworkable. We may suggest how it might have been different, but it could only have been different by making both king and Parliament other than they were. Pym and his followers could only be expected to act in accordance with their experience, and was it possible for them, with their experience of the real Charles, to imagine a Charles for whom old things were passed away, and all things had become new? Arm-chair historians can easily delineate such a phenomenon. Men in the thick of the battle, with resentments and fears to urge them on, are not arm-chair historians. They feel all the keen influences of the strife which are to us as dead as the faded parchment of its records.

Perhaps the chief responsibility lies with the men who transformed themselves into a Royalist party without being sure that the old constitution which they advocated was safe in Charles' hands. Had they preserved their independence as between Charles and the party of Pym, things might indeed have been different. Charles at least would not have been able to appeal to the sword with any hope of success. The class of mere courtiers who thought more of the favour of a king than of their country (and the State papers show that there were too many such) had much to answer for.

SOURCES.—Same as for the preceding chapter.

CHAPTER XVII.

Civil War—The First Two Campaigns (1642-1643).

Was the conflict which Clarendon describes as the Rebellion, others as the Great Civil War, a conflict for the sake of certain theories? According to the conventional view, Englishmen and Scotsmen have always acted, in matters constitutional, from utilitarian motives. Burke, for example, sees in the development of the English constitution the expression of this utility operating throughout the centuries, and Burke's eloquence and influence have transformed his opinion into a doctrine. As a rule the doctrine holds. Englishmen and Scotsmen have usually developed their constitution from practical motives. Nevertheless, it is wide of the mark to assume that Englishmen and Scotsmen are incapable of the enthusiasm, intensity on behalf of theory, even political theory, pure and simple, to which other peoples are supposed to be peculiarly addicted. This is one of those historical generalisations which, like so many attempts to differentiate between the characteristics of peoples, are largely assumptions. The martyrs of the English and Scottish Reformation, the staunch contendings of Puritan and Covenanter for conscience' sake, and, we may add, this mighty conflict between Cavaliers and Roundheads, are sufficient to remind us that theory, as well as utility, has had its rôle, its superlative rôle, in British history. Whether we call this conflict a rebellion or a civil war, it was a war waged on theoretic as well as practical grounds. All through the struggle the combatants contended for certain principles which have a theoretic as well as a practical side. Whatever the shades of opinion in the Puritan camp, the followers of Pym and Cromwell alike fought for the doctrine of the right of resistance to an unconstitutional monarch. They might appeal to law in support of their contention.

But the appeal was the formula of a principle whose real force lay, not in the witness of some musty law book, but in the convictions of those who made it. The war, to quote Mr Firth, the greatest living authority on the period, was "a struggle of opinions and ideas." For the sake of these opinions and ideas Puritan met Royalist in deadly strife on the battlefield. In the Puritan it is the spirit of the crusader, the spirit of the man that fights for an idea that inspires the determination to grasp the sword and decide the contention of the forum at its point. Nor was theory confined merely to matters mundane. The Puritan fought for God as well as for his political ideas, for a fuller reformation of the Church, in accordance with the Bible and Calvin; for a view of life which, though narrow, was intense; though one-sided and in some respects unenlightened, was in close touch with the Unseen. To him it was a war of religion as well as of politics—the salvation of his soul as well as the welfare of the kingdom was at stake. Cromwell long afterwards, in a speech to the first Protectorate Parliament, emphasised indeed the fact that the war was in its origin a struggle mainly for political liberty against despotism, but even Cromwell admitted that it became a religious war as well. "Religion was not the thing at first contested for; but God brought it to that issue at last; and gave it unto us by way of redundancy; and at last it proved to be that which was most dear unto us." Cromwell notwithstanding, the religious as well as the political question exercised a strong influence on many from the beginning, though it might not by itself have precipitated the Puritan host into the battlefield.

On the other side, too, theoretic as well as practical considerations furnished potent motives of action. Conviction, whether political or religious, was no monopoly of the Puritan crusader. To the Royalist, the sacredness of kings, the inadmissibility of rebellion against the lawful monarch, the traditional continuity of the Anglican Church, were as indisputable as the axioms of Euclid, and for the sake of these axioms he, too, was ready to fight and die. And in championing these verities he believed that he was not fighting against the Parliament, but against a faction. To the other side this was a pure sophism, which they answered

by asking how a faction of twelve or twenty persons could compel a whole assembly to do their will. If the rights of Parliament were a sort of religion to this side, the rights of royalty constituted no less an act of faith on the other. Such high-strung, such chivalrous natures, to whom rebellion was a crime, naturally rallied around a Prince Rupert, the dashing soldier, to whose military instinct the Puritan was a miserable anarchist. Some, like Sir Edmund Verney, were indeed so chivalrous that from a pure feeling of loyalty they went against their conviction of the practical justice of the Parliamentary cause, belied their votes on the questions which had convulsed the assembly at Westminster, and repaired to York to fight for the king, and die, equally with the grimmest Puritan, at Edgehill and elsewhere, for an idea. From the theoretic point of view the conflict was, in truth, not merely between two parties in Church and State, but between two different species of character, two divergent schools of thought, sentiment, experience. The psychologist and the political philosopher might have hazarded the prediction that such and such an individual would inevitably turn a Royalist or Roundhead. In a certain sense, indeed, all thinking England was one or the other before the spectre of war had risen on the horizon. The occasion but declared the man.

We may regret this tendency on both sides to fight for an idea—regret that the practical sense of Englishmen did not assert itself in a feasible compromise, especially in view of the results for both sides in turn. In declaring war, Charles was in reality signing his own death warrant; in throwing down the gauntlet to the king on behalf of the supremacy of Parliament, his opponents were in reality inviting the collapse of Parliamentary government and the advent of the military dictator. Such was to be the outcome of the war, but this outcome was as yet unperceived, and since the situation for various reasons rendered conflict inevitable, it was well that this very tendency to fight for an idea was present to invest the struggle with a grandeur which it would not otherwise have possessed. On the field of battle there was, on both sides, at least the factor of moral conviction to mitigate the horrors of brutal passion. And to step from the assembly at Westminster, where lawyers are garrulously quoting from old

legal documents in defence of rights and liberties, and emerge on the battlefield, where Cavalier and Roundhead are alike grimly struggling for convictions dearer than life, is to pass from the prosaic to the sublime. War is a horrible thing, but a war of this kind has at least its redeeming features.

At the same time this is only one side of the war. It was, after all, by no means exclusively a war of pure principle to many of those engaged in it. Even in the Puritan camp there were hypocrites and egotists, especially before the magnetic force of Cromwell's personality had rallied in the ranks of his Ironsides, "men of conscience, who knew what they fought for." The Puritan, as we learn from the correspondence of Nehemiah Wharton, managed to combine a good deal of rough work with his sermon going and psalm singing. He did his share of plundering equally with the rowdy Cavalier, and if he did not, as a rule, swear and get drunk, he could take pleasure in ill-treating Papists and malignants and desecrating churches. At first, too, there were undoubtedly a great many blackguards in Essex's and Waller's armies. "On an impartial view of the subject," remarks Mr Webb, editor of "A Military Memoir of Colonel Birch," "there can be little doubt that, as to the common man, the war let loose all the needy and disreputable part of the population, particularly of London and the great towns; such as necessity compelled, or those whose disposition led them to plunder and fight. Essex and Waller, but particularly the latter . . . enrolled, under the name of the defenders of a reformed policy and a pure religion, much of the offscouring of the metropolis." "These were good, stout, fighting men," notes Mrs Hutchinson of Sir John Gell's Derbyshire regiment, "but the most licentious, ungovernable wretches that belonged to the Parliament."

Similarly, the man of the mere Cavalier stamp—the man who was fond of fighting for fighting's sake—naturally held by the king. It was enough for such men that Charles had raised his standard. They cared little or nothing for constitutional theories one way or the other. To fight in any quarrel —in this case on the king's side—was a matter of course. Every drunken brawler in England would brandish his sword at once in response to the king's summons. The dislike

of Puritan narrowness was responsible for the adhesion of others, who, while they might not relish royal autocracy, Episcopal tyranny, relished a rigid Puritan democracy even less. The narrow Calvinism of the Puritans was, in this respect, a serious disadvantage to their cause, though, without it, they would hardly have accomplished a revolution. The religious belief of the men who carried out this revolution had to be absolute, and their religion in such an age could only be Calvinism. The doctrine of predestination was the only fitting doctrine for those who defied even the sentiment of traditional loyalty in their allegiance to the God, whose elect they were. Their dour religious creed was especially obnoxious to the Catholics, and the Catholics, to whom Charles extended protection and toleration, at the risk of embarrassing, if not alienating his Protestant adherents, supported him to a man, wherever they were at liberty to do so. Moreover, by its unbending attitude towards the royal overtures for an accommodation, even after the raising of the standard at Nottingham, Parliament did its best to increase Charles' adherents on merely practical grounds. It demanded that he should surrender his supporters to justice as traitors to the nation, and that their property should be confiscated to indemnify its partisans for their contributions to the Parliamentary cause. This impolitic threat was sufficient to send hundreds of recruits to the royal camp. In defending the king, the Royalists were at the same time defending their lives and their property.

Party adhesion was conditioned by geography as well as by other considerations. Speaking generally, the north and west sided with Charles, the east and south with the Parliament. Within both divisions there were, of course, as we learn from May's "History" and Warwick's "Memoirs," adherents of both parties. At Manchester, and in the cloth manufacturing towns of Yorkshire, for instance, the population was mainly Puritan. At Oxford, in the south, it was largely Royalist. But throughout the war, these two halves might, with approximate correctness, be described as Royalist and Parliamentary respectively. The Parliament had thus, from the outset, the advantage of the support of the more populous and wealthy part of the country, including the capital.

It had also an enormous advantage in the possession of the fleet, which gave it the command of the sea, and enabled it to hamper Charles' attempts to secure aid in men and munitions from France, Holland, Denmark. It was, consequently, confident of an easy and speedy victory.

On the other hand, the country gentlemen and their retainers counted with equal confidence on scattering, at the first onset, the plebeian horde of yeomen and artisans who dared to defy their sovereign and provoke destruction at their hands. To Charles and his Cavaliers, the Puritans appeared simply as anarchists—"Brownists, Anabaptists, and Atheists who desire to destroy both Church and State." Thus Charles himself described them in a speech to his army, on the 19th September, during the march between Wellington and Stafford.

Charles deflected his course southwards from Nottingham, which he left on the 13th September, towards the Welsh border—to Shrewsbury and Chester—in order to gain recruits before venturing to try conclusions with Essex, who was advancing northwards towards Northampton. It was not till the 12th of October that he began the march on London, though troops of cavalry, under Rupert and Byron, had already penetrated as far as Oxford and Worcester, and dealt the first successful blow of the war at one of Essex's outposts at Powick Bridge, near the latter city (23rd September). By the 22nd, he had reached Edgcott in Warwickshire, and here he learned that Essex, who had moved from Northampton to Worcester, was at Kineton, only a few miles to the westwards. He therefore swerved aside, and marshalled his army in three divisions—cavalry on the right and left wings, infantry in the centre—on Edgehill slope, facing northwards towards Kineton. On the plain below, the Parliamentary army, which was weak in cavalry, awaited the attack in the same formation. Unfortunately for the sanguine expectations of a decisive Royalist victory, the impetuosity of Rupert and Wilmot, who respectively commanded the Royalist cavalry on the right and left, turned an initial success into a virtual defeat. Rupert and Wilmot scattered the greater part of the Parliamentary horse at the first shock, but they made the mistake of pursuing them far beyond the battlefield till they

were checked by Hampden's and Grantham's regiments, who, with the greater part of Essex's artillery, were a day's march in the rear. Meanwhile, in the main struggle between the two centres, the Parliamentary infantry were proving their mettle, and not only repulsed the Royalist charge, and routed the greater part of the Royalist infantry with severe loss, but captured the royal standard and the Royalist commander-in-chief, Lord Lindsey, who was mortally wounded. Towards dusk the impetuous Rupert returned, to discover that, with stout Puritan levies as an enemy, generalship as well as dash was necessary to win a battle. The battle was, too, not without its lessons to the other side, especially to Cromwell, who saw in the rout of the Parliamentary cavalry, a warning which might be inaudible to duller ears. We must, he told his cousin Hampden, get men of spirit to fight in the cause, of equal spirit with the dashing cavaliers that had scattered the Parliamentary horsemen like chaff. To find such men Cromwell went home to Huntingdon, with what results the following campaign was to show.

A decisive Parliamentary victory Edgehill battle was not. Both sides, indeed, claimed the advantage, and the historian is at liberty to give the credit of success, or the discredit of failure, to both in turn. Both had, at any rate, had enough of it for the present. Charles continued his march southwards unmolested, whilst Essex moved on London at a respectful distance eastwards. He occupied Oxford and took Brentford, but abandoned the attempt to force an entrance into the capital on the 13th November in the teeth of the superior force which Essex had marshalled on Turnham Green, and retired on Reading and Oxford. If he had failed in his main object—the capture of London—he could reassure himself with the hope that with the concentrated strength of the west, where Hopton had nipped a feeble Parliamentary rising in the bud, and of the north, where Newcastle had, on the whole, had the best of it in some skirmishes against Lord Fairfax and Hotham, he might overwhelm the capital and end the war as the result of a fresh campaign.

While preparing for a fresh struggle by organising, or "associating" groups of counties for offence or defence, both sides attempted to forestall the renewal of hostilities by

negotiation. The Parliament continued to urge the king to disband his army and return to London, and Charles reiterated his desire to end the war. Unfortunately there was really no common ground of accommodation between the two parties, and Pym and the more astute antagonists of Charles were shrewd enough to see this, in opposition to the more moderate or peace party. The Parliament persisted in the assumption that it alone represented the legal authority of the State, and that all who adhered to Charles were rebels and traitors, deserving of forfeiture and death. Charles, on his side, no less obstinately regarded it as a rebel faction which, by trickery and treachery, had defied the sovereign authority, and was striving to subject both him and the nation to its tyranny. He had no notion of the newer and far-reaching ideas which he was too ingenuous, too self-sufficient to grasp, far less to appreciate. The two conceptions of the rights and the wrongs of the case were thus radically irreconcilable. In the war of Declarations and counter-Declarations, which both sides maintained at intervals throughout the conflict in the field, both argued on an assumption which put effective negotiation out of court. Charles invariably disclaimed the accusation that he was making war on Parliament, and declined to recognise the claim of the assembly at Westminster to be the Parliament. His opponents as strenuously insisted that they were not making war on the king, were, in fact, seeking to vindicate his authority as expressed in Parliament, free him from the machinations of a malign party of traitors. A great part of this wordy warfare is concerned with the assertion of these finical assumptions. What! cried Charles, you levy troops and attack my army, and yet profess that you are not attacking me! How, retorted the Parliament, can your majesty declare that you are not making war on the Parliament in fighting against the forces raised by it in defence of its rights, and of the lawful authority which it exercises in the State? This interchange of invective, founded on a misconception which neither side would admit or abandon, certainly did not tend to smooth the way to an effectual understanding. It might irritate; it could not reconcile. Both made the mistake of fastening on the weak point of the adversary's argument, while shutting their eyes to the weak point of its

own. The Parliament could adduce strong evidence to show that Charles was in arms against it, and disprove that it was a faction "of twelve or twenty factious, seditious persons." On the other hand, Charles could, with equal force, appeal to fact to demonstrate that, in attacking the forces raised by him, the Parliamentary army was indubitably attacking him.

Nevertheless, he expressed his readiness to reopen the negotiations already begun at Colebrook before the retreat to Oxford, and a diplomatic campaign progressed heavily throughout the months of February, March, April 1643. It was in the circumstances doomed to failure. If two people quarrel, and each determines to misunderstand the other, no amount of letter-writing will bring them to shake hands. The letter-writing will only whet the spirit of recrimination. What the Parliament was really driving at was the complete submission of the king, whatever his scruples or convictions might be. What Charles would not see was the right of resistance claimed, on a variety of grounds, by what was at least a Parliamentary majority, which his own illegalities and mistakes as a ruler had driven to rebellion. "I see no great hope of an accommodation," wrote M. de Brunelles to Burlamachi, "for the king wishes to make it as a king, and the Parliament is not willing to retract one of the demands they have made." In the preamble of the Fourteen Propositions which the Parliament empowered its commissioners to carry to Oxford in the end of January 1643, Charles was told, as usual, that he was responsible for the war, and that it lay with him to stop it. To this end he must agree to a general disbandment of forces and return to London. He must leave "delinquents" to be tried by Parliament, must disarm Papists and agree to the various stringent measures against Popery, including even the education of the children of Papists by Protestant teachers! He must assent to the Root and Branch Bill and the Bill for an Assembly of Divines, and promise to accept such a form of Church government as Parliament, in consultation with the Assembly, should decree. He must further allow Parliament to settle the militia as it should see fit, accept its nominees for all great judicial offices, restore all justices of the peace deprived without consent of Parliament, and deprive those to whom Parliament took exception, pass a Bill to ensure the

privileges of Parliament against a repetition of the attempt on the five members, indemnify those who had incurred charges in the Parliamentary cause, except from the general pardon those whom Parliament might name, particularly the Earl of Newcastle and Lord Digby, and finally, restore all Members of Parliament who had been removed from office and employment in consequence of their adhesion to the Parliament.

Assuredly a very sanguine document! Had Essex succeeded in annihilating the royal army at Edgehill, and taken Charles prisoner, the Parliament might have had some justification for submitting such excessive demands. But Charles had not only claimed the victory; he had carried the war almost to the gates of the capital itself. To treat him in this lordly fashion as if he were a beaten man, to insist on the full recognition of the justice of the Parliamentary cause, was to make negotiation a mere farce. At this stage of the conflict Charles could not possibly treat on such terms. "No less power than His who made the world of nothing," wrote he to Ormonde, "can draw peace out of these articles." It is hardly surprising, therefore, that he told the queen in a letter, which, unfortunately for him, fell into the Parliament's hands, that his only object in continuing the negotiations was to put his adversaries in the wrong before the nation, and that he had other designs on hand than that of peace.

In professing not only that Charles was utterly in the wrong, but that he had suffered a crushing reverse, and must surrender at discretion, the Parliament failed to look the real facts in the face. Unfortunately, Charles' reply shows the same propensity to look at the situation from an unreal point of view. He rebutted all responsibility for the war, laid the blame on his opponents, and formulated counter-propositions, to which he must have known they could not agree. The Parliament, he insisted, must forthwith restore to him his revenue, navy, magazines, &c., of which it had taken forcible possession, must renounce all measures contrary to the known laws of the land and his majesty's sovereignty, to which he had not assented, must disclaim the exercise of the powers it had assumed, must vindicate the Book of Common Prayer from the aspersions of Brownists, Anabaptists, and other sectaries, must agree to the trial of all exempted persons by

their peers, in accordance with the laws of the land, and meanwhile refrain from further hostilities.

Fully two months were wasted in the discussion of these (for the most part) impossible propositions and counter-propositions. The discussion served only to show both sides once more that it really was a question of mastery, and that the sword alone could decide it. The Parliamentary Commissioners failed even to arrange a truce, though such a cessation, as it was called, would evidently have been more beneficial to Charles than to his opponents, who could ill afford to accustom the rank and file of the Parliamentary armies to the luxury of even a temporary peace. Charles, indeed, according to Whitelocke, one of the Commissioners, showed himself both courteous and reasonable in argument. "In this treaty the king manifested his great abilities, strength of reason, and quickness of apprehension with much patience in hearing what was objected against him; wherein he allowed all freedom, and would himself sum up the arguments, and give a most clear judgment upon them." As the result of their close intercourse, the Commissioner hazards the opinion that if he had followed his own judgment, he and his fellow-Commissioners might have been able to come to a feasible arrangement. "His unhappiness was that he had a better opinion of others' judgments than of his own, though they were weaker than his own, and of this the Parliament Commissioners had experience to their great trouble." In such indecisive moments he was overruled by the war party, led by men like Lord Bristol, who, in opposition to the Earl of Dorset, insisted on the rights of prerogative, and on a vigorous prosecution of the war in its defence. Bristol undoubtedly expressed the feeling of the large majority of his fellow-Cavaliers, though there were not a few in addition to Dorset and Lord Savile who would fain "have had no conquest on either side," and had no desire "to see the ruin of an English Parliament," as Savile wrote to Lady Temple (February 1643). Bristol drew on his experience as ambassador to Spain, which, with no great credit to his power of observation or his knowledge of Spanish history, he held up as the model of a properly governed country. "In Spain," cried he, "where the long time I resided there as ambassador afforded

me privilege to be well acquainted with the state of that kingdom, in no age or record can scarcely be found mention of intestine or civil wars. . . . The reason is because they are truly subjects and their sovereign truly a sovereign. And since the State here will neither be so to the king, nor suffer the king to be so to them, my reason tells me they should be compelled to it. My opinion, therefore, is that his majesty neither propound to the Parliament or receive from them any conditions for peace, but such as shall absolutely comply with the regal dignity and prerogative (which God and succession hath allowed him), and such as may be no way prejudicial to us or our estates. We have an army on foot; a braver the sun never shone on; an army that by force can compel that which fair words cannot effect."

The tedious negotiations reached a crisis on the 12th April. On that day Charles, at the instigation of the war party and in spite of the earnest entreaties of the Commissioners, despatched what was practically an ultimatum to the two Houses. They must, he told them in plain terms, restore his revenues, ships, and forts, as stipulated in his first proposal, must consent to the restitution of all members, including even the bishops, excluded from their seats and votes since the 1st January 1642, on account of their adherence to the king, and must agree to the removal of the Parliament to some place, at least twenty miles distant from London, on the ground that it was not a free assembly. In that case he would disband his army, return to their midst, and give his assent to whatever Bills they should propose for the real good of his subjects. If not, the war must continue, and the Parliament must take the consequences.

To this ultimatum the Lords and Commons at Westminster retorted on the 15th by recalling their Commissioners. Till one side or the other was crushed the situation did not admit of any other conclusion. It is useless to try to show the feasibility of any other alternative. At this stage the sword alone could do that.

The arrival of the queen at Bridlington on the Yorkshire coast on the 22nd February, with a supply of arms and ammunition from Holland, strengthened the arguments of the war party, and it was with high hope of success that Charles

recommenced the struggle in earnest in the spring of 1643. His plan of campaign was certainly both skilful and promising. An irresistible concentration of the Royalist forces should isolate the capital, crush its power of resistance, and make Charles undisputed master of England once more. He himself should march from the midlands, Hopton should move eastwards through the southern, Newcastle southwards through the eastern counties, crushing resistance and gathering strength by the way, and thus combine to enable his majesty to dictate terms at Whitehall to a terror-stricken city.

It looked for a time as if this threefold combination might succeed. Essex, indeed, made a dash on Reading, and cannonaded it into surrender in the end of April. Waller, skirmishing in the west, relieved Gloucester and took Hereford (25th April). Sir William Brereton had some successes in Cheshire. Lord Brooke captured Lichfield, and, after his death, Sir John Gell compelled the defenders of the cathedral close to surrender (4th March). Fairfax, in Yorkshire, stormed Wakefield (21st May), and Cromwell began his career of victory with several successful skirmishes in Suffolk and Lincoln. But Essex failed to push his advantage, and gave Prince Rupert the opportunity to rout a division of his army at Chalgrove Field in Buckinghamshire (18th June), where Hampden was mortally wounded, and to follow up his success by the seizure of Bristol (26th July). Meanwhile Essex's subordinates had suffered a series of reverses in the west at the hands of Hopton and his lieutenants, Grenville and Prince Maurice, whose superior generalship told decisively against Lord Stamford at Stratton (16th May), Waller at Lansdowne (5th July), and Waller again at Roundway Down (13th July). These reverses were followed by the retreat of Waller, and the advance of Hopton eastwards as far as Hampshire, where he was ultimately checked by the Parliamentary general. Plymouth was almost the only town that held out for the Parliament in the south-west. Essex, too, had been compelled by mutiny and sickness among his troops to relinquish his design against Oxford and draw back towards the capital, and advised the Parliament to make peace. His lack of initiative and vigour, and the

friction between him and Waller, seemed likely to make Charles' junction with Hopton before the capital an easy undertaking. "Thus," notes May, "seemed the Parliament sunk beyond any hope of recovery, and was so believed by many men. The king was possessed of all the western counties, from the furthest part of Cornwall, and from there northwards as far as the borders of Scotland. His armies were full and flourishing, free to march whither they pleased, and enough to be divided for several exploits." Charles, however, did not feel himself strong enough to follow Essex southwards, though May does not hesitate to assert that a vigorous march on London would probably, at that juncture, have resulted in its capture, in spite of hurriedly constructed entrenchments. He moved westwards to attack Gloucester, as a preliminary to the advance on the capital. The defence of Gloucester, which was stubbornly held by Massey with a small force against overwhelming numbers, proved the turning-point in the tide of Parliamentary disaster in the south. It enabled Essex to hurry to its relief, and his approach in the beginning of September forced Charles to raise the siege and retire. On the return march, by way of Hungerford and Newbury, he found his passage blocked by the king in person at the latter place, and here, on the 20th September, was fought the first battle of Newbury. For fully twelve hours—from seven in the morning till sundown—Essex's regiments, horse and foot, struggled with grim intensity to cleave the living wall of Royalist cavalry and infantry that confronted them. There was no shrinking this time, as at Edgehill, of the Parliamentary horsemen, under Balfour and Stapleton; the London trained bands, under Skippon, acquitted themselves like veterans as the fight surged to and fro; and artillery, cavalry, musketeers, pikemen emulated one another in attack or defence. The seizure of a hill, commanding the field of battle, provided a vantage ground which contributed, in addition to the determined valour with which they pressed the attack on the lower ground, to decide the struggle in their favour. As the result of their discipline and bravery, if they had not won a decisive victory, they had, at the close of the bloody day, made such an impression on the Royalist ranks that Charles

resolved to retreat and leave the road to Reading open. His ammunition was spent, and he had lost too many officers and men to risk a second encounter on the morrow. Among those whom he was called on to lament was Falkland, who, civilian though he was, had plunged into the thickest of the battle, to find rest from that strife of which his spirit was weary.

In the north, however, the situation had become very grave. Lord Fairfax's victory at Wakefield was followed by a series of crushing blows to the Parliamentary cause. "It seemed," in the quaint language of May, "like a lightening before death, for not long after, these forces were quite broken by the Earl of Newcastle, whose greatness overspread those countries." On the last day of June Fairfax was badly beaten by Newcastle at Adwalton Moor, near Bradford. Worse still, the Hothams, father and son, turned traitors, and though their treachery was frustrated in time by their prompt arrest, Fairfax, Manchester, and Cromwell were hard put to it to prevent the conquest of the eastern counties. Gainsborough was won and lost to the Parliament, Hull itself besieged. The Royalists even penetrated into Norfolk, and captured Lynne; whilst a number of regiments, which the Cessation, negotiated by Ormonde with the Irish Catholic confederates, had set free for service in England, landed in Flintshire to threaten further disaster in the north-west. It was only by the most strenuous efforts that Manchester, commander of the Eastern Association army, and Cromwell, his lieutenant, succeeded in the autumn in checking the Royalist advance, by the victory of Winceby (11th October) and raising the siege of Hull; while Sir Thomas Fairfax ultimately retrieved the situation in the north-west by that of Nantwich, over Lord Byron (25th January 1644).

As the result of these nine months' campaigning, the balance of advantage decidedly lay with Charles. The Parliament was indisputably supreme only within a short radius of London and a limited strip along the southern and eastern coasts. Everywhere else—in the midlands, in the north, in the west—the royal star was in the ascendant. If Charles had failed to carry out his concentration, he had at least made considerable progress towards its realisation. Hull, Gloucester, and Plymouth, among the larger cities, were the

only strongholds of the Parliamentary cause outside London. Another campaign bade fair to witness their reduction, and to bring the Royalist armies triumphantly into the Parliamentary preserve. So low had the hope of Parliamentary success fallen before the relief of Gloucester that peace propositions, vastly more humble than those sent to Oxford in the previous February, were passed by the Lords in the beginning of August, and only rejected by a narrow majority in the Commons. The month of August was, in truth, the nadir of the Parliamentary cause.

SOURCES.—Lords' Journals, v. and vi.; Commons' Journals, ii. and iii.; State Papers (Domestic), edited by W. D. Hamilton (1641-43); Whitelocke's Memorials of English Affairs (1682); Parliamentary History, iii.; Fairfax Correspondence, edited by R. Bell, i. (1849); Cromwell's Letters and Speeches, with Elucidations by Carlyle (2nd edition); May's History of the Parliament which began 3rd November 1640 (Clarendon Press, 1854); Letters of Nath. Wharton in Archæologia, xxv.; Clarendon's History of the Rebellion; Carte, Collection of Original Letters (Ormonde Papers), i. (1739); Memoirs of Ludlow, i. (1688, and edition by Firth); Memoirs of Col. Hutchinson, by his Widow, edited by Firth (1885); Military Memoir of Col. John Birch, written by his secretary Roe, edited by Webb for the Camden Society (1873); Sir Philip Warwick (Secretary to Charles I.), Memoirs of the Reign of Charles I. (1702); Memoirs of Denzil, Lord Hollis (1699). The three first-mentioned memoirs give an account of military operations from the Parliamentary, the two latter from the Royalist point of view. Gardiner, Documents of the Puritan Revolution, and, History of the Great Civil War (edition 1901). Mr Gardiner has made use of manuscript sources, such as Yonge's Diary (Add. MSS., 18,778-9) and Whitacre's Diary (Add. MSS., 31,116). Sanford, Studies of the Great Rebellion (1858); Firth, Cromwell (1900); Markham, Life of Lord Fairfax (the Sir Thomas Fairfax of the earlier campaigns) (1870); Webb, Memorials of the Civil War, as it affected Hereford and adjacent Counties, i. (1879); Warburton, Memoirs of Prince Rupert and the Cavaliers (1849), based on the Rupert Correspondence.

CHAPTER XVIII.

The Parliament and the Scots—Solemn League and Covenant (1643).

The causes of the Parliamentary ill-success were chiefly lack of money, lack of brains, lack of organisation. The Parliament starved its armies, and the Lord-General Essex, who could fight an indecisive battle on occasion, had not the genius to cope with starvation. He was, moreover, lacking in initiative, though well meaning, and was disposed in the circumstances to negotiate rather than fight. Such a general was ill fitted to master such a situation, with pushful men like Rupert and Hopton for antagonists. What the Parliament needed was a commander-in-chief of the stamp of a Sir Thomas Fairfax or a Cromwell. But the younger Fairfax and Cromwell were as yet but the subordinates of Essex's subordinates, Lord Fairfax and the Earl of Manchester, and genius directed by mediocrity could not make campaigns successful. The lack of money would, however, have hampered, if not overwhelmed even genius. The Parliament had, indeed, had the advantage at the outset in the matter of income. It had the wealth of London and most of the great trading ports at its back, but the growing demands for money contributions and the growing stagnation of trade increased the difficulty of making due capital out of this advantage. Moreover, financial genius was as conspicuous by its absence as military genius, and to judge from the outcry of the Parliamentary generals, the financial administration was pitiable. The correspondence of the generals with the Committee of Public Safety and others throughout 1643 emphasises again and again the difficulty of keeping men in the field and carrying on operations on an empty war-chest. Essex's statement to Parliament, for instance, in the end of July, reveals a condition of complete

destitution. Essex was prone to complain instead of acting, was, too, as eager for an accommodation as a battle, for he was one of many who, at the commencement of the contest, would fain have patched up a peace at the earliest possible moment. But Fairfax and even Cromwell, who were assuredly no Jeremiahs, swelled at times the chorus of distress. "My lords," we find Lord Fairfax writing in December 1642, "the condition of this army . . . I fear will very suddenly grow worse, if not utterly broken up, and that especially for want of money, I having not above a week's pay provided, and no visible means left to raise maintenance for them, unless I should give the soldiers free quarters upon the country—a cure, in my conception, as dangerous as the disease, and, peradventure, not possible to be effected, if the enemy be still master of the field and cut off our men as they go about to levy sustenance, which they may do, and yet not be able to beat up our quarters. . . . The want of money," he added desperately, "will force us to disband within ten days. . . . I beseech your lordships seriously to consider it, and send such speedy supplies of men and money as will enable me to go forward in the service, which I shall not fail to do with a constant fidelity."

"I beseech you," wrote Cromwell incisively, in the end of May 1643, to the Mayor of Colchester, "hasten the supply to us; forget not money. I press not hard; though I do so need, that, I assure you, the foot and dragooners are ready to mutiny. Lay not too much upon the back of a poor gentleman, who desires, without much noise, to lay down his life and bleed the last drop to serve the cause and you. I ask not your money for myself; if that were my end and hope, viz., the pay of my place, I would not open my mouth at this time. I desire to deny myself; but others will not be satisfied. I beseech you hasten supplies. Forget not your prayers." Three and a half months later Cromwell was in even greater straits. "Of all men," wrote he, on the 11th September, to Oliver St John, "I should not trouble you with money matters, did not the heavy necessities my troops are in press upon me beyond measure. I am neglected exceedingly." "Our army," wrote Hampden to Barrington just before the fatal Chalgrove Field, "wants both men and money."

Mere enthusiasm, such as breathes in every word and act of a Cromwell, minus organisation, could not win victories for liberties and privileges. With the exception of Cromwell, who had done yeoman service in organising the defence of the eastern counties and thus checking Newcastle's advance southwards, the gift of combination was exercised chiefly on paper. "It's no longer disputing," wrote Cromwell to the Committee of the Eastern Association at Cambridge on 6th August 1643, "but out instantly all you can. . . . I beseech you spare not, but be expeditious and industrious. . . . Neglect no means." The real leaders of the Parliamentary army had, in truth, still to be formed in the school of Cromwell. There was, indeed, considerable activity in the early part of the campaign of 1643 on the part of Essex, Waller, Fairfax, and their lieutenants, but there was a lack of cohesion, co-operation. The principal commanders did not heartily work together. Jealousy, for instance, rasped the relations of the Fairfaxes and the Hothams, and the ill-will between them culminated at last in the treachery of the latter. The friction between Essex and Waller, who was ambitious of an independent command, lamed the activity of both until the Parliament succeeded in negotiating reconciliation and harmony. There was, too, bitter feud between the Earl of Manchester and Lord Willoughby, who quarrelled somewhat later over the supreme command of the forces in Lincolnshire. Armies led by generals who openly or furtively fought with one another for supremacy, instead of combining against the enemy, could only gain a chance success. Worse still, there was an absence of co-operation not only between the various armies, but between the various divisions of the same army, while mutiny, desertion, lack of confidence still further diminished their offensive power. For long the strength of numbers, cohesion, energy, supply, and, very important, a well-conceived general plan of campaign, were on the side of the king, and the wonder is that the Parliamentary generals succeeded, almost in spite of themselves, in at least staving off irreparable disaster. Fortunately for them, the Royalist leaders in turn took to quarrelling after the first flush of victory. The personal animosities of Rupert and Hertford, Maurice and Carnarvon contributed to retard the forward movement after the way seemed to have been

cleared by the collapse of the Parliamentary armies in June and July. Charles had also difficulties of supply to contend with, though he had the resources of the great landowners to draw on and had obtained timely aid from abroad in consequence of the queen's exertions. Moreover, the defence of Gloucester, the battle of Newbury, the fight at Winceby showed that, despite incohesion, friction, inexperience, the rank and file knew how to fight when it came to the pinch, equally with the most dashing cavalier. There was no disgraceful collapse in the presence of the enemy, no panic-stricken running away as at Edgehill, no weakly tendency, except in lukewarm districts, to throw up the cause in despair. In the letters of men like Cromwell we already see the stern purpose of the Puritan fighting man, and it needed only the inspiration of genius to make this Puritan fighting man irresistible against the proudest and most valiant devotee of royalism. Men like Cromwell fought for God and the Parliament in the passionate spirit of the Israelites of old against the Philistines and the Amalekites. "God," wrote Cromwell, after the fight at Grantham on 13th May, "hath given us this evening a glorious victory over our enemies." "It was a great mercy of God to us," was his comment on Fairfax's success at Wakefield in the same month. "It hath pleased the Lord to give your servant and soldiers a notable victory now at Gainsborough," were the opening words of his despatch to the Committee of the Eastern Association at Cambridge, of date 31st July. "All will be lost, if God help not," was the ejaculation wrung from him by the gloomy situation a month before the victory at Winceby. "That great God, who is the searcher of my heart," wrote Waller to his antagonist Hopton before the battle of Lansdowne, "knows with what a sad sense I go upon this service, and with what a perfect hatred I detest this war without an enemy; but I look upon it as sent from God, and that is enough to silence all passion in me." Essex, too, had as high a conception of the cause as Cromwell or Waller, though he was not gifted with the masterful qualities of the Huntingdon squire. "I desire," wrote he, "such may appear in this cause as have most interest in it, such of whose constancy and courage we may be assured, men of religious lives and affections, fitted to

bear arms for truth and religion." The cause which to such men was the cause of God was assuredly not lost, because the soldiers who fought for it at Winceby and Gainsborough were famishing for want of regular supplies or charging the enemy in tatters.

Fortunately for it, the Lords and Commons gradually awoke to the fact that they must do something more practical in the way of seconding Providence, than drawing up declarations and passing resolutions. The defects which the campaign had revealed demonstrated the remedies to be applied. The first requisite was money. Even Providence could not conduct a war by means of prayers and pious wishes, and the mere conviction of the righteousness of the cause. Nor would it do to trust to gifts and voluntary loans, as Parliament was disposed to do at the commencement of the struggle. Such gifts and loans as the City chiefly had furnished had been consumed as fast as they came in, and still the generals continued to send in despairing, importuning appeals for money. The Lords and Commons had, therefore, in response to their urgent appeals, resolved as early as November 1642 to raise compulsory contributions by their own authority, to assess all London citizens who had refused to contribute or had done so insufficiently (29th November 1642). They claimed to exercise the right of taxation, whether the king assented or not.

Charles strongly denounced the resolution as illegal. Illegal it was from the constitutional point of view, but in revolutionary times the constitution must take care of itself, and his expedient of imposing taxes on his own behalf was no less illegal. There could, in fact, be no longer any talk of legality except in the academic sense, though both sides continued so to talk when it suited them. Pym, at least, was under no illusion as to the necessity of the case. The law, said he, in answer to the sticklers for constitutional form, is only for "settled times."

It was a severe test to apply to the loyalty of the champions of liberty, and there were numerous petitions and even demonstrations in the capital against the burden of paying for rights and liberties. There were, however, harder tests to come, which only the confident strength of Puritan

conviction made it safe to venture. On the 16th January 1643, Parliament extended the assessment to a number of the counties. Some weeks later it made every county of England liable to furnish a stipulated weekly sum, and as the prospect of a successful issue of the peace negotiations at Oxford diminished, it did not hesitate to confiscate the estates of all "delinquents" or Royalists (27th March). It even ultimutely (July) accepted Pym's proposal to impose an excise on all commodities bought and sold, and authorised forced loans (August and October) — a proposal which, if made by Charles fifteen years before would have convulsed the Houses with denunciations of tyranny and appeals to the sacred rights of property. Nothing can better demonstrate the strenuous devotion to the cause of rights and liberties than this acquiescence, on the part of men to whom legality was a passion, in expedients at which the law stood aghast.

Organisation as well as taxation was necessary if disaster was to be transformed into victory. The county had proved insufficient as a military unit in a contest in which the whole kingdom was involved, and which demanded concerted action. The Lords and Commons resolved, therefore, to discard usage and substitute for the county the association of counties. In so doing they were merely taking a leaf out of the Royalist book.

"The Lords and Commons, now in Parliament assembled," we read in one of the earlier of these declarations, "being certainly informed that Papists and other wicked, ill-informed persons have traitorously combined together, and entered into associations, &c.," do accordingly order that certain counties named "shall and may associate themselves, and mutually aid, succour, and assist one another in the mutual defence and preservation of themselves" (10th December 1642). To this end the midland, northern, eastern, and south-eastern counties were grouped under separate commanders in subordination to the Lord-General, and authorised to levy men, embody an army, raise taxes, and wage war against the enemy. The responsibility for the maintenance of these forces was entrusted to a committee of the chief persons in each group.

Of these associations the most famous and the most enduring was the Eastern, which comprised the counties of Norfolk, Suffolk, Essex, Cambridge, Hertford, to which Huntingdon and Lincoln were subsequently added. Here Puritan feeling was strong, and the common people, if not a section of the gentry, with which Cromwell proceeded to deal in his own drastic fashion, were, according to May, enthusiastic champions of the Parliament from the outset. It only needed the inspiring presence of Cromwell to kindle this latent force into an activity whose strength never flagged throughout the war. It was Cromwell and the yeomen of the Eastern Association that saved the Parliamentary cause in the autumn of 1643, and as these counties remained for the most part outside the arena of hostilities, they became the steady feeder of the Parliamentary army in men and supplies.

The trained band system, too, had broken down under the strain of a protracted struggle. The London regiments had fought like veterans at Edgehill and Newbury, but they did not relish being kept for any length of time from their homes and occupations, and when Waller, seven weeks after Newbury battle, led them to the assault of Basing House, they left him in the lurch, and made straight for home. Only a professional army could obviate the disadvantage of such a risky system, and the Lords and Commons made an attempt to supply this desideratum by decreeing a standing army of 14,000 men (4th December 1643). The lack of money prevented the immediate realisation of this reform, but the ordinance shows that its authors had at least hit on the true remedy. The new model thus foreshadowed was ere long to prove its efficacy in the hands of a Fairfax and a Cromwell.

Most effectual of all was the successful attempt to enlist the co-operation of the Scots. Both sides had from an early date competed for Scottish help, and in this competition the Parliament ultimately had the best of it. To the Scottish Presbyterians, Prelacy, whether within or without the land, was an abomination, and the General Assembly had repeatedly lifted up its testimony in support, on ecclesiastical grounds, of the Parliamentary cause. "Who knoweth," we read in the missive which Henderson drew up, and Johnstone

of Warriston despatched from St Andrews in its name, on the 3rd August 1642, in answer to a Declaration of the English Parliament, "but the Lord hath now some controversie with England which will not be removed till first and before all the worship of His Name and the government of His House be settled according to His will?" Not content with the overthrow of Episcopacy in Scotland, the Assembly contemplated nothing less than a Presbyterian conquest of the Church of England. "They conceived it," we read further in the same Declaration, "to be acceptable to Almighty God that in all his majesty's dominions there might be one Confession of Faith, one Directory of Worship, one public Catechism, and one form of Church government." Their reading of the Divine will involved not only the suppression of Prelatists and Papists, but of all sectaries whatsoever, in order that Presbyterianism might enjoy a monopoly in England as well as in Scotland. Prelacy being merely "a human ordinance," it can do no wrong to any man's conscience to abolish it by human authority in favour of a system which is *jure divino*. The Assembly at this date was even naïve enough to assume that his majesty would not oppose this blessed work of reformation, and it sent at the same time a request to the Scottish Privy Council to join in a petition to this effect to his majesty. How little the Scottish Presbyterians understood the meaning of the word liberty is apparent from the extreme rigidity of their creed and their discipline. Their creed contained the absolute substance of divine truth, their discipline was tyrannical and extended even to the minutest details of conduct. This tyranny over individual liberty might be a salutary necessity on moral grounds, but it was often exercised in an unenlightened spirit. How unenlightened it was is evident from the fact that in Fife the authorities, with the approbation of the clergy and apparently of the people, burned no less than thirty wretched women as witches within a few months.

The goodwill of the Assembly meant a very great deal. To secure it was practically to gain Scotland, and the Lords and Commons sent a hearty epistle in reply, thanking their Scottish brethren for their interest in the spiritual welfare of England, and intimating that they had passed a Bill for the

convocation of an Assembly of Divines to advise them as to the means of bringing about a union of the two Churches. They denounced the usurped authority of bishops, not only as incompatible with true religion, but as a support of arbitrary government. They had accordingly resolved to discard Prelacy, and they invited them to send some godly and learned divines to help the Assembly in its work of reformation.

From this promising beginning gradually took shape that alliance, political and ecclesiastical, which was both to operate an ecclesiastical revolution in England and contribute to the triumph of the Parliamentary cause.

Charles, too, appreciated the importance of securing the goodwill and co-operation of his Scottish subjects, and a lengthy struggle ensued between the king and Parliament for the victory in this superlatively important negotiation. For Charles the struggle was from the outset a losing one. Ecclesiastically, a large majority of the Lords and Commons were in sympathy with Scottish opinion and sentiment. They hated the bishops as the oppressors of Church and State. These unlucky functionaries now occupied, in fact, the same invidious position in England as their Scottish fellow-prelates had occupied in Scotland in 1638-39. They were the abettors of an unpopular system, which had contributed to goad a large section of the nation into war. Charles stood forth as their protector against their opponents, and it mattered not that in this case the bishops had both law and tradition on their side. The majority of the Parliament, if not the majority of the people, had turned against them on political and ecclesiastical grounds, and, on appealing to the Scots, that majority could count on a sympathetic hearing from those to whom Episcopacy was both theoretically and practically an abomination, whether north or south of the Tweed. The appeal of Charles, on the other hand, could not possibly produce the same impression. A small section of the Scottish nobility, led by Montrose and Aboyne, was ready even to draw the sword on his behalf. Another section, led by Hamilton, was busy intriguing, in the royal interest, to nullify the Parliament's appeal and keep their countrymen out of the quarrel. The spirit of the bulk of the nation that followed Argyll and

Johnstone was in accord with that of the Assembly, and on this staunch Presbyterian majority, appeals to conscience in defence of English Episcopacy, such as Charles made in his reply to the petition of Assembly and Privy Council in favour of the Parliament's ecclesiastical policy, were utterly wasted. He was, he wrote, as anxious as Assembly or Privy Council for unity of religion and uniformity of Church government "in such a way as we in our conscience conceive to be best for the flourishing estate of the true Protestant religion" (26th August 1642). Whenever it pleased the Parliament to submit any proposition on this subject, not at variance with God's Word or the known laws of the land, he would be the first to further it. A very different tone this from that of the Parliamentary Declaration. Presbyterians only, in the view of the Assembly, had a conscience. There could be no conscientious scruples in the case of what was but "a human ordinance." And as against the Parliament, Charles was no safe interpreter of "God's Word" or "the known laws of the land." This sort of language, though it sounded reasonable enough and contrasted with the Assembly's narrow dogmatism, would never win him a single recruit. The Lords and Commons continued to improve their advantage by emphasising the fact that Charles did not scruple to raise an army of Papists in the north of England, and was busy negotiating for the assistance of foreign powers, and by urging their Scottish brethren to raise an army to guard the Border and assist them in maintaining religion and liberties against these Papists, English and foreign. (Declaration of Parliament to the subjects of Scotland, 7th November 1642.) To this Charles replied with a message to the Scottish Privy Council, denouncing the Parliament as a set of rebels and sectaries, reiterating his devotion to the Protestant religion, and requiring the Council to vindicate his honour by publishing the Royalist version of the situation. At the same time he sent an urgent letter to the Marquess of Hamilton to use his influence to counteract the machinations of his enemies. Hamilton succeeded so far as to carry a resolution in the Council that the message, and not the Declaration, should be published (20th December). "This," says Baillie, "was a trumpet that wakened us all out of our deep sleep." The Presbyterian

gentry and ministers who followed Argyll flocked to Edinburgh to present a strongly worded petition complaining of the unfairness of these tactics, which were fitted to breed distrust and friction between the two kingdoms and jeopardise uniformity of religion and Church government, and demanding the official printing of the Parliamentary Declaration. Printed it was accordingly, in spite of a counter or "cross" petition, engineered by the Hamilton and Traquair party—the Banders or malignants, as they were called. The shifty Hamilton, in whom Charles at this stage confided rather than in the impulsive, bellicose Montrose, was no match in such a business for so astute a tactician as Argyll.

Whilst the two sides were thus competing in Declarations and counter-Declarations for Scottish assistance, it occurred to the conservators of the treaty between the two nations to try an attempt at mediation. They offered to send commissioners for this purpose. The Parliament readily assented, and sent a blank safe-conduct to be filled in by the names of the Commissioners. Charles ultimately overcame his dislike of such intervention and did likewise. The Commissioners accordingly arrived at Oxford in February 1643. Loudon, Lindsay, the Provost of Irvine, and Henderson (who brought with him a petition from the General Assembly), came on a bootless errand. Charles asked them what grounds they had for interfering in this strife. Our duty to God and your majesty, answered in effect the Commissioners. The disturbance of the peace in England is dangerous to the maintenance of it in Scotland, and the eighth article of the Treaty of Pacification in favour of unity of religion warrants us in seeking to bring about a reconciliation for the furtherance of this object. Charles disclaimed any such warrant, and retorted that it would better become them to resent the seditious declarations sent by the Parliament to Scotland than make them a ground of interfering between him and his rebellious subjects. He would have none of their interference in English ecclesiastical affairs, and further missives did not succeed in shaking his determination or in bringing the Commissioners any nearer to a practical result. The Commissioners had, in fact, the worst of the argument. Charles' contention that if the Scots assumed the right to settle their ecclesiastical affairs

for themselves, they should leave Englishmen and their king to do the same, was unassailable, and the fact that the Parliament desired their interference was no excuse in his eyes, but rather the contrary. They might mean well both by him and the Parliament by this intrusion, but the demand for uniformity rendered its futility certain. Charles, who only tolerated Presbyterianism in Scotland, would not entertain for a moment the proposal for its establishment in England. And even if he had been willing to do so, it was for the people of England, as he told the Commissioners, to settle the question for themselves. The Scots were called on neither by treaty nor by any special qualification whatever to interfere in the matter. And if the arguments of the Commissioners were weak, the officious and self-sufficient references of the Assembly's petition to "the prelatical faction" in England, and to uniformity on Presbyterian lines certainly did not tend to strengthen them. He gave an even sharper answer to Alexander Henderson than to Loudon and Lindsay. What business have you to interfere? was, in effect, all the answer the petitioners got, and, we might add, in view of the rabid tone of their petition, deserved to get. The fact of this aggressive spirit on the part of the Scottish Assembly towards the Anglican Church may be intelligible in the light of the spirit of the times; its principle was by no means defensible. "We must profess that the petitioners, or the General Assembly of our Church of Scotland, have not the least authority or power to intermeddle or interfere in the affairs of this Church or kingdom, which are settled and established by the proper laws of this land, and till they be altered by the same competent authority, cannot be inveighed against," &c. There were still more cutting rebukes of Presbyterian dogmatism and meddlesomeness before the conclusion, in which the Scots were told to begin the work of reformation at home, was reached. "We desire and require the petitioners (as becomes good and pious preachers of the Gospel) to use their utmost endeavours to compose any distinctions of opinion, or misunderstandings which may by the faction of some turbulent persons" (glancing apparently at Argyll, Johnstone, and other Scottish supporters of the Parliament) "be raised in the minds of our good subjects of that

our kingdom, and to infuse into them a true sense of charity, obedience, and humility—the great principles of the Christian religion—that they may not suffer themselves to be transported with things they do not understand, or think themselves concerned in the government of another kingdom, because it is not according to the customs of that in which they live," &c.

Against such spirited and not unmerited retorts the Commissioners could make no headway. Charles flatly refused, too, to allow them to proceed to London to continue the negotiation with the Parliament, and they were fain to return in April with the tale of their failure to Scotland. He forgot, however, that in rebuking these meddlesome Scots, he was at the same time condemning his own former policy towards Scotland. But five years before, he and Laud had presumed not only to intervene in Scottish ecclesiastical affairs over the heads of both Assembly and Parliament, but to force an alien ecclesiastical system on an unwilling people, on the principle that what was good for England was good for Scotland. He had, in truth, a greater capacity for imagining himself in the right, in things ecclesiastical as in other things, than even the narrowest Scottish Presbyterian. He forgot, too, that if this style of argument was from the national point of view very forcible, it was not fitted to gain him adherents in Presbyterian Scotland, and that it certainly was fitted to confirm it in its preference for the Parliamentary cause. "This policie," notes Baillie, "was like the rest of our unhappie malcontents' wisdome, extreamlie foolish; for it was verie much for the king's ends to have given to our Commissioners far better words, and a more pleasant countenance." Besides, it had become the settled conviction of Presbyterian Scotland that if Charles succeeded in overpowering the Parliament, the cause, for which the Scots had themselves taken arms, would, despite all protestations to the contrary, be in the utmost jeopardy. Its interest was, it was convinced, identical with that of the Parliament. "We believe," wrote Baillie, as early as the 28th May 1642, "that none can be so blind but they see clearly, (if) the courtiers, for any cause, can get this Parliament of England overthrown by forces, either at home or abroad, that all either they have done or our Parliament

has done alreadie, or whatever any Parliament should mint (attempt) to do hereafter, is not worth a fig."

In vain, therefore, the Declaration which he penned to his loving Scottish subjects in the following May in denunciation of the intrigues among them of the faction of seditious sectaries at Westminster, and in exposure of its lying assertions and insinuations at his expense. The retort of the Council, the Conservators of the Treaty, and the Commissioners for Public Burdens was to call a Convention of Estates without asking his majesty's leave or paying the slightest attention to his majesty's letter limiting its deliberations to merely fiscal matters, such as the grant of supply for the support of the Scottish army in Ireland or the speedy payment of the Brotherly Assistance from England. From this Convention, which met on the 22nd June, Hamilton and his few adherents withdrew by way of protest; but the only effect of their withdrawal was to weed out of it the few supporters of the Royalist cause. Thus purged, it accorded to the Commissioners of the Lords and Commons, who arrived at the beginning of August, the most cordial of welcomes. The discovery of Charles' negotiations with the Irish Confederates for the purpose of setting free the English army in Ireland for service in England, made the welcome all the more hearty. These negotiations were, it appeared, mixed up with a plot to overwhelm Monroe's Scottish army in Ulster and bring about a rising in Scotland for the king. The news, which did not lose in circumstantiality in the telling, set Presbyterian Scotland on fire. The Scots forgot that the Irish Confederates were fighting for their religion and their nationality as they themselves had done. Such a reflection, even if it had possibly occurred to dogmatic Presbyterians, had no chance, in the circumstances, of the slightest practical consideration. Not only was the Scottish colony in Ulster exposed to the gravest danger from Charles' connivance with Papist rebellion; Scotland itself was traitorously to be drawn into the strife by Royalist Hotspurs like Montrose without as much as asking the opinion of either Assembly or Convention. Here was a strong argument, not for mere mediation, but for instant intervention by force of arms. Charles had himself given Argyll and his party not merely a pretext, but

a solid reason for concluding an alliance in the interest of Scotland as well as of England. Nevertheless, the desperate situation of the Parliamentary cause might well have damped the ardour of its Scottish sympathisers. The undertaking in which they were asked to embark seemed indeed a most problematic one. It required the greatest nerve as well as the greatest ardour to commit Scotland to the task of retrieving what seemed a lost cause, especially in the face of the suspicion that the English Parliament had been forced by pure necessity rather than pure enthusiasm for Scottish Presbyterianism to seek a Scottish alliance. "For the present," wrote Baillie to Spang in reference to these negotiations, "the Parliament side is running down the brae. They would never in earnest call for help till they were irrecoverable; now when all is desperate they cry aloud for our help; and how willing we are to redeem them with our lives, you shall hear."

One condition of active co-operation they posited as an indispensable preliminary. The Parliament must unequivocally undertake to accept and enforce the Presbyterian Church government in England. On this point the General Assembly was, as Baillie says, "peremptor." The English Commissioners, of whom Sir Harry Vane was the leading spirit, wished to negotiate a political league. The Assembly and the Convention would only hear of a religious Covenant as the basis of an active alliance. Nor would they agree to countenance any terms savouring of Independency. It was an exacting enough stipulation from the point of view of national and conscientious scruples. The Scottish Presbyterians had learned from bitter experience what the disregard of both meant, and their experience might well have made them less opinionative and dour on such a point. England was ecclesiastically, after all, by hoary tradition Episcopalian, and on national grounds alone it was not for Scotland to dictate to its representatives what system of Church government it should adopt. On the other hand, the majority of the English Parliament had itself condemned Episcopacy, and had resolved to substitute for it another form, and in insisting that that form should be Presbyterian and not Independent, the Scots appear in a less invidious light than in their egregious demands to the King of England, who was at the

same time the staunch protagonist of the Established Church. In view of the dogmatism of the age all the world over, they were quite entitled to say that if the English Parliament had abolished Episcopacy, it could only have Scottish assistance by preferring Presbyterianism to all other competing systems. It might not be chivalrous to take advantage of the Parliament's necessities to dictate on this point. It certainly was not charitable or enlightened to condemn Independency or any other non-Presbyterian system so dogmatically. But in this age the dominant party was given to damning those who disagreed with it in such matters, and it was natural enough, in the circumstances, for Convention and Assembly to insist on a religious Covenant, or nothing. The Covenanting leaders, who did not overlook the political side of the question, reasoned, too, that unless England was one with Scotland in ecclesiastical polity, their own ecclesiastical establishment was not firmly established, and that this community of ecclesiastical interest would conduce to save Scotland from a return of the civil and religious strife of the last decade.

There was, in truth, some doubt on the part of certain members of Convention and Assembly as to the desirability of committing Scotland absolutely to the Parliamentary cause. A section of the most influential of them still clung to the idea of mediation, and at a nocturnal meeting agreed to the plan of sending a Scottish army to hold the balance. The sagacious Warriston quickly disillusioned the authors of this sanguine idea. "He did show," says Baillie, "the vanitie of that notion, and the impossibility of it." A religious Covenant was the only solution, and to this in the end it came after lengthy weighing of words and phrases, though Sir Harry Vane managed to slip in a saving clause that the reform of religion in England should be "according to the Word of God," as well as the example of the best Reformed Churches. The Covenant further bound both sides to endeavour to uproot Popery, Prelacy, superstition, schism, and whatever should be found contrary to sound doctrine in both nations, to preserve the rights and privileges of both Parliaments, and the liberties of both kingdoms, to defend his majesty's person and authority as far as accordant there-

with, to bring to trial and condign punishment all malignants, to observe the Articles of the Treaty of 1641, to maintain the struggle, without defection, against all and sundry until the great end should be accomplished. Finally, both nations confessed their sins, and supplicated the Divine blessing on their enterprise.

Such is the gist of the momentous document which both Assembly and Convention on the 17th August unanimously approved, and resolved to despatch to the Parliament for its approbation. "It was received with the greatest applause that ever I saw anything," says Baillie, "with so hearty affections, expressed in the tears of pity and joy by very many grave, wise, and old men." On the following day the Convention issued a proclamation to all the fencible men of the kingdom, between sixteen and sixty, to hold themselves in readiness for service. Out of this force they agreed, a week later, in a treaty with the English Commissioners, to send an army into England of at least 10,000 foot, 1,000 horse, and the necessary artillery, under the command of a Scottish general. The Commissioners on their side undertook, on behalf of the Parliament, to furnish a contribution of £30,000 a month, and to pay £100,000 before, and an additional contribution at the conclusion of peace—the money to be raised from the confiscated estates of English Papists and other malignants. Both parties further agreed that neither should enter into any peace negotiations without the assent of the other.

Charles had lost Scotland, and he showed his vexation by imprisoning Hamilton and his brother Lanark, on their return to Oxford, for their share in the miscarriage of his plans. Hamilton had certainly his own interests as well as the king's to look after, but for the failure of his policy of sit-still Charles' obstinacy was as much to blame as the duke's hopeless predilection to speak both sides fair.

To help the passage of the Covenant through the debates of both Parliament and Assembly at Westminster, the Convention deputed Johnstone, Henderson, and Lord Maitland, future Earl of Lauderdale. The Westminster Assembly suggested some amendments, intended to secure scruples of conscience against the literal adoption of the Scottish ecclesias-

tical system, and in the Commons some of the more moderate members, like Glyn and Maynard, demurred to the absolute condemnation of Episcopacy, which must render any further peace negotiations with Charles hopeless. But Pym's plea of necessity carried it over objections based on prelatical and conscientious grounds, and with the exception of some minor omissions and additions, to which the Scottish Commissioners agreed, the Covenant was approved by both Houses. The phrase asserting the Church of Scotland to be according to the Word of God, and the clause referring to the Treaty of 1641, were, for instance, omitted, while Ireland, as well as Scotland and England, was included. As thus amended, it was sworn by Parliament, Assembly, and Commissioners on the 25th September, with befitting ceremonial, in St Margaret's Church. "Mr White," we learn from Whitelocke, "prayed an hour to prepare them" for the momentous transaction, Mr Nye and Mr Henderson exhorting the members from the pulpit, and all present thereafter holding up their hands in sign of their assent. It was in virtue of it that the vanguard of a Scottish army of fully 20,000 men, under the veteran Alexander Leslie, Earl of Leven, crossed the Tweed on the 19th January 1644, and tramped southwards through the deep snow of a rigorous winter to turn the scale decisively in favour of the Parliamentary cause. In virtue of it, too, an Executive Committee of both kingdoms henceforth displaced the Committee of Safety in the management of the war (16th February 1644).

The credit of engineering the Solemn League and Covenant belongs chiefly to Pym, Vane, and Argyll. It was Pym's last master-stroke. Less than two months after its accomplishment he died of a painful disease (8th December). The strenuousness of the man killed him at a comparatively early age. In securing the agreement of the Parliament to the Covenant, he had, however, ensured the discomfiture of the king and his system of government, of which he had been, from the beginning of the Long Parliament, the sworn protagonist. In one sense the revolution was a struggle between two men—King Charles and King Pym. As Charles was the soul of one system of government, Pym was the soul of the other, and the secret of the revolution lies largely in

the fact that neither would give in to the other. The two systems, the supremacy of the king and the supremacy of the Parliament, were irreconcilable, and it was for the supremacy of Parliament that Pym stood through thick and thin. "No man had more to answer for the miseries of the kingdom," says Clarendon. The Royalist version of Pym's responsibility shows at least that he was the guiding spirit of the opposition which at last culminated on the battlefield. He was, indeed, superlatively great (superlatively wicked, Clarendon would have said) as a party leader, a party organiser. He knew how to find the means to cope with great emergencies when a false move would have meant ruin to him and his cause. He was not only a strong parliamentary leader; he knew how to strengthen his position in Parliament by an appeal to public opinion. He taught the people to support the Parliament as its representative, despite the opposition of king and lords. His long experience of parliamentary life stood him in good stead. "He was," says Clarendon, "one of those few who had sat in many," and his tact and experience, his readiness of speech, his knowledge of character, his ability to read the national temper, his extraordinary gift of impressing his fellow-men in favour of his views and aims, gave him a supremacy over a large section of his fellow-members and of the people, comparable to that which he claimed for Parliament itself. "He seemed to all men," to quote his bitter enemy once more, "to have the greatest influence upon the House of Commons of any man . . . the most popular man and the most able to do hurt that hath lived in any time."

If Pym was not the execrable politician that Clarendon depicts, neither was he the wholesale hero that the biographers delight to paint. He was a man of strong conviction, and under the force of this conviction he could be as opinionative as Charles himself. He had a fanatic vein in him—all men, who sway their generation as he swayed his, must have—and he was overruled by that inflatus which a great movement exercises on the soul capable of responding to it. His quick imagination might at times colour things too highly, if it also enabled him to see into things more acutely than duller eyes could see. One might wish that he had endeavoured to

make a constitutional king of Charles by less extreme methods, had given his protestations the benefit of a trial instead of persisting in his attitude of incessant suspicion. One might wish that his Puritanism had been less intolerant, not merely of Papists, but of Protestants who differed from him in their interpretation of what was Popery and what was not. One might wish, too, that he had tried to mitigate, instead of exaggerating the Puritan one-sidedness of which he was in some respects the embodiment. But had he not been the staunch fighter, the alert tactician, the irrefragable believer in himself and his cause that he was, would he have succeeded in securing the rights for which the Puritans struggled? Would Charles have learned to permanently sacrifice his political and ecclesiastical views to an arrangement with men who hated all that he clung to with such tragic and impolitic constancy? If to cry peace when there was no peace was weak and aimless, Pym was the very man to avoid such a futile course. It is a proof of his superlative ability that, choosing the only course which, politically and religiously, he held to be the right and the safe course, he kept on his way against overwhelming obstacles, and had come at least within sight of what seemed its attainment before he sank exhausted into the grave. Nearly half a century was, indeed, to elapse before Pym's ideas, intuitions were fully to be realised, in spite of Solemn League and Covenant, and other expedients which were doomed to temporary failure. Only the Revolution of 1688-89 saw the final realisation of Pym's policy of a practical parliamentary supremacy in harmony with traditional forms. That he strove for this entitles him to a meed of respect from all parties, whether descendants of Roundheads or Cavaliers. John Pym thoroughly deserved to be buried in Westminster Abbey by resolution of the Commons, to have a monument erected to his memory "at the charge of the Commonwealth," and to have his debts paid by an appreciative Parliament to the extent of £10,000. His name must ever stand high in the roll of England's civilian heroes. Let us, despite Clarendon and other critics, at least be generous enough to hear his own testimony in that declaration which he penned in self-vindication in the last year of his life. "The cause that I am so much maligned and reproached by ill-affected persons being

because I have been forward in advancing the affairs of this kingdom, and having been taken notice of for this forwardness; they out of their malice converting that to a vice which, without boast be it spoken, I esteem as my principal virtue, my care to the public utility: and since it is for that cause that I suffer these scandals, I shall endure them with patience, hoping that God in His great mercy will at last reconcile his majesty to his high court of Parliament; and then I doubt not but to give his royal self (though he be much incensed against me) a sufficient account of my integrity. In the interim I hope that the world will believe that I am not the first innocent man that hath been injured, and so will suspend their further censures of me."

We prefer such a personal vindication to all the volumes of criticism, objective or non-objective, which are merely the result of culling opinion from documents two and a half centuries old. Let the voice of Pym himself speak. He must, indeed, be poor in imagination who cannot recognise in it the voice of one of the greatest wrestlers for principle that England has ever produced.

The Solemn League and Covenant, unfortunately, can hardly be called a monument in the history of liberty. It emphasises, indeed, the defence of constitutional rights, privileges, liberties; and, on the English side, the main incentive was not unity of religion, but the vindication of political liberty. Its keynote is a rabid intolerance which, however explicable in view of the spirit of the age, appears to us tyrannical in the extreme. Both sides conjoined "liberty" and "religion" in the declarations and deliberations of which the Covenant was the outcome. The conjunction was most unfortunate, though it certainly was not avoidable in the circumstances. The ultimatum of the Scots left the Parliament no alternative but to complicate the struggle with a new issue. Religion had, indeed, been a main issue of the struggle from the beginning. "The true estate of the cause and quarrel," its Commissioners informed the Scottish Estates on the 12th August, "is religion." This was the fact. Puritan opposition to Laudian Episcopacy, as well as to the misgovernment of Charles, had plunged the country into civil war. Now, however, the Parliament had been forced to commit itself to a

definite form of Church government, of which Scotland was to furnish the model. Vane's saving clause might provide a small loophole, but the Scots had made it unequivocally clear that they would have nothing to do with Independency, and had practically bound the Parliament to accept Presbyterianism as the exclusive system in the three kingdoms. The Covenant was subsequently (5th February) made obligatory on all Englishmen above the age of eighteen, as well as on both Houses. As long, indeed, as it continued to be so, religious liberty for others, besides malignant Papists and Prelatists, had a poor chance of recognition. Already the protest against the persecution of the Royalist clergy who conscientiously prayed and preached for the king, and refused to pray and preach for the Parliament, had found indignant voice in royal proclamations and declarations, such as the proclamation of the 15th May 1643. These Royalist clergymen were driven from their parishes and replaced by Puritans, who preached the crusade against royalism and drew part of the emoluments, whilst the rest was devoted to the maintenance of the war. It would be useless to look for tolerant methods in the midst of a revolution such as this, and the action of the Parliament may be defended on the ground of necessity. But even before the signing of the Covenant, the spirit of religious persecution, apart from political considerations, was sufficiently operative. The drastic action of Cromwell in Ely Cathedral on the 10th January 1643 affords a striking illustration of the fact. Cromwell could not endure the choir service which the incumbent persisted in having sung in spite of his protests and commands, and at last broke into the Cathedral with his Roundheads, and with the stern exclamation, "Leave off your fooling and come down, sir," summarily cleared the incumbent and his choir out of the building. The spirit of persecution was not likely to become less aggressive now that the Covenant bound every Englishman to profess Presbyterianism, whether he liked it or not, and it was to be applied to others besides malcontent High Churchmen. Cromwell himself was to learn that Independents were as obnoxious to the dominant party as the most ardent Episcopalian. To these Solemn Leaguers and Covenanters toleration, freedom of thought, and conscience

were unthinkable. Such freedom was branded, cursed as pure atheism in the Scottish General Assembly, and the Parliament having bound itself to eschew all heresy, schism, everything contrary to sound doctrine, must now, *nolens volens*, join in the cursing. It had, in fact, bent its neck to a dogmatic theory as absolute as the ritualistic tyranny of a Laud, or the Royalist autocracy of a Bishop Montague.

The Covenant, unhappily, thus tended to weaken the Parliamentary cause in the nation, if, on the other hand, it contributed to turn the tide of disaster in the field. It sowed the seeds of dissension in the Parliamentary ranks, and this dissension was to come to full maturity after the battle, which it helped so materially to fight, had been decisively won. It was, in truth, only as it helped to win this battle that it was serviceable to the cause of political liberty, for which the Lords and Commons at Westminster had drawn the sword. As far as the vindication of the rights of the subject from the menace of arbitrary power in both Church and State was concerned, the Parliament was indubitably the champion of this cause. It was primarily for this cause that men like Cromwell, Ludlow, and Hutchinson, not to mention Essex and Pym, drew the sword, as the memoirs of the time prove, and the alliance with the Scots, clogged though it was by the bonds of ecclesiastical narrowness, as indubitably turned the scale in its favour. Cromwell might have done it without the Scots, but, minus the Scots, Cromwell's chance would probably never have come.

Unfortunately, the world had not yet learned that religious liberty is the corollary of political liberty. Nor is it by any means apparent that the English Parliament had risen to the height of the true conception of even civil liberty. It was not, for instance, prepared to grant the free expression of opinion. A period of civil war is certainly not a period for trying experiments of this kind. To suffer the free expression of opinion at such a crisis would, in fact, have been suicidal. The two parties warred with the pen as well as with the sword. They not only issued official declarations, counter-declarations, disclaimers, exhortations; their partisans poured from the press newspapers and pamphlets which teemed with lying reports and libels to the detriment of the opposite

party. In these effusions victory went to the one side or the other, according as the scribe dipped his pen in Royalist or Parliamentary ink. Motives and actions were purposely misrepresented in the measure of the bias of the writer. Both sides suffered equally from this campaign of lies, and the Parliament time and again issued contradictions or condemnations of these "false and scandalous rumours," "scandalous and lying pamphlets," and ordered the Royalist printers and presses to be seized. See, for instance, the order of 6th March 1643. The futility of such attempts led to the establishment of a strict censorship over all printed matter whatsoever, from divinity to mathematics and "prognostications." The ordinance of June 1643 put, in fact, an embargo on knowledge as well as political opinion, and, as the noble "Defence of the Liberty of Printing" shows, was regarded as an excessive encroachment on intellectual liberty by even so confirmed an adherent of the Parliamentary cause as Milton.

To men like Milton even civil war could not justify the repression of intellectual life which this measure must involve. In consequence, we read, of the publication of many false, forged, scandalous, seditious, libellous, and unlicensed papers, pamphlets, and books, "it is ordered by the Lords and Commons that no Order or Declaration of both or either House of Parliament shall be printed by any but by order of one or both the said Houses, nor other book, pamphlet, paper, nor part of any such book, pamphlet, or paper shall from henceforth be printed, bound, stitched, or put to sale by any person or persons whatsoever unless the same be first approved and licensed under the hands of such person or persons as both or either of the said Houses shall appoint for the licensing of the same and entered in the register book of the Company of Stationers, according to ancient custom, and the printer thereof to put his name thereto," &c. The Master and Warders of the said Company were authorised to search for and seize unlicensed printing presses and books, and apprehend authors, printers, and others concerned in the publication thereof for due punishment—all justices of the peace and other officers to assist them in so doing.

The Parliament thus constituted itself the interpreter not merely of the constitution in Church and State, but of what

constituted knowledge in all its departments. In so doing it was certainly exceeding its functions, though the stress of the time might afford some excuse for its presumption. It might be defended, too, on the ground of usage, but it was indefensible as the act of an Assembly which so often appealed to liberty, but in reality understood so imperfectly in many essential points the true meaning of the word.

SOURCES.—Journals of the Lords and Commons, as noted under last chapter. Rushworth gives all the more important documents bearing on the negotiations of both sides with the Scots. For the Solemn League and Covenant, in particular, see, in addition to the above—The Acts of the Parliament of Scotland, vi.; Register of the Privy Council of Scotland, vii.; Baillie's Letters and Journals, ii. (Bannatyne Club), which for raciness, shrewdness, and lucidity may be compared with Knox's History of the Reformation; Peterkin's Records of the Kirk, i.; Bishop Burnet's Memoirs of the Dukes of Hamilton (1679); Bishop Guthry's Memoirs (1748). For the persecutions of the Royalist clergy in England, see Walker's Sufferings of the Clergy.

CHAPTER XIX.

The Overthrow and Surrender of Charles (1644-47).

The effect of the Solemn League and Covenant was to induce Charles to essay once more a negotiation with the Lords and Commons in the winter of 1644. Both sides had been doing their best to render such a negotiation still more futile than in that of 1643. The Parliament had gone the length of impeaching the queen and passing a new great seal, and had thus inflicted two additional wounds on Charles' personal feelings and his royal authority. On the other hand, he had not only formally declared the Parliament no longer free, on the ground of the irregularities which he laid to its charge (20th June 1643), but convened a rival Assembly at Oxford (January-April 1644), which declared the members of that at Westminster traitors. His negotiations with the Irish Confederates had stirred the heart of Puritan England into even fiercer antagonism than before. After the Solemn League and Covenant on the one hand, and the Irish Cessation on the other, it was to be even more than previously a fight to a finish, with the chance of victory very considerably augmented on the Parliamentary side.

Leven's advance into Northumbria was, indeed, fitted to confirm in the Royalists the resolution to fight to the death rather than yield. It touched their patriotism as well as their loyalty to the quick, and their retorts to the declarations that heralded the Scottish advance were both resolute and cutting. "These ends which you propose," protested the Royalist Northumbrian gentry, "are plausible indeed to them that do not understand them; the blackest designs did never want the same pretences. If by the Protestant religion you intend our Articles which are the public confession of our

Church, and our Book of Common Prayer established by Act of Parliament, you need not trouble yourselves. We are ready to defend them with our blood. If it be otherwise, it is plain to all the world that it is not the preservation, but the innovation of religion that you seek, however by you styled Reformation. And what calling have you to reform us by the sword? We do not remember that ever the like indignity was offered by one nation to another, by a lesser to a greater. . . . A vanquished nation would scarce endure such terms from their conquerors. . . . You cannot think that we are grown such tame creatures to desert our religion, our lives, our liberties, our estates upon command of foreigners, and to suffer ourselves and our posterity to be made beggars and slaves without opposition."

The sentiment of this effusion was admirable, but it could avail nothing against a splendidly equipped army of nearly 22,000, which came at the invitation of at least the majority of the English Parliament and with the goodwill of a large section of the English people. Neither the patriotism of the Northumbrian gentry nor the exertions of Newcastle himself could frustrate Leven's steady advance over roads heavy with snow and slush to Newcastle, where he left a besieging force, Durham, and finally to York, in whose neighbourhood he joined hands with the Fairfaxes about the middle of April. His progress had been facilitated by the successes of the northern Parliamentary generals, which compelled Newcastle to hurry southwards to the rescue. Rupert had, indeed, relieved Newark (21st March), but had been forced, in the meantime, to desist in his purpose of penetrating farther north. Charles himself was forced to retire from Oxford before the advance of Essex and Waller, while Sir Thomas Fairfax took Selby by assault. In the extreme south, too, in Hampshire, Waller had at last scored in the battle of Cheriton against Hopton, assisted though he was by the Royalist commander-in-chief himself, Lord Forth (29th March). The effects of Leven's movement were making themselves felt all over the arena of operations. Newcastle could only retard his farther advance by throwing himself into York with his 10,000 men. In the siege of this northern Royalist stronghold he had the help not only of the Fairfaxes with the men of Yorkshire, but

of Manchester, formerly notorious as Lord Kimbolton, who had reasserted the Parliamentary cause in Lincolnshire, in spite of Rupert's success at Newark, with the army of the Eastern Association. Newcastle's position was becoming desperate by the middle of June, and it was Rupert's forced march from Shrewsbury, through Lancashire and the West Riding, that gave the allied generals the opportunity of delivering on Marston Moor a terrible blow to the Royalist cause. Rupert succeeded, indeed, in outmanœuvring the allied commanders and forcing them to retire a few miles to the south-west. His eagerness to win a battle as well as raise a siege betrayed him once more, despite the remonstrances of the old Scottish General King, into a rash attack, and in the waning hours of the 2nd July the united Royalist army was swept from the field with crushing loss by Cromwell and David Leslie with their English and Scottish horsemen. For a time, indeed, victory trembled in the balance. Cromwell's and Leslie's horse on the left Parliamentary wing drove the Royalist squadrons into headlong rout after a hard struggle. "God made them as stubble to our swords," wrote Cromwell. But Goring on the Royalist left did equal havoc on Sir Thomas Fairfax's horse on the Parliamentary right, and had nearly finished the work of crushing or routing the Parliamentary centre under Leven, Manchester, and Lord Fairfax. A section of the Scottish infantry under Baillie and Manchester's division under Crawford were fighting desperately to maintain their ground, but Leven had been hustled into flight with the other section, after struggling in vain to rally it, and galloped away to Leeds, forty miles from the battlefield. It was Cromwell's and Leslie's horsemen that just in the nick of time saved the situation. The charge of their troopers round the rear of the Royalist centre and against the flank of Goring's victorious wing relieved the pressure on the Parliamentary centre, and ended in the complete rout not only of the Royalist left, but of the royalist centre.

Cromwell gave all the glory to God in the letter which he wrote to his brother-in-law, Colonel Walton, after the battle, while Rupert ascribed the victory to the devil, ever ready to help his servants. He showed at the same time a due sense of his own merits, but he might have been a little more

appreciative of David Leslie's assistance and the valour of the Scottish horse, and at least a portion of the Scottish foot. It was the rout of the Fairfax horse on the Parliamentary right that had very nearly lost the battle to the allies, and had not Maitland's, Pitscottie's, and Lumsdaine's Scottish foot regiments held their ground in the centre, Cromwell's and Leslie's charge would have come too late to retrieve incipient disaster.

The surrender of York a fortnight later was the more immediate effect of the battle. Practically it meant irretrievable disaster to the Royalist cause in the north. Such was, at all events, the conclusion of Newcastle, who threw up that cause as hopeless and retired to the Continent. A concentrated effort against the south must add to the defeat of Rupert that of Charles himself, and end the war with the year's campaign. The victors were, however, incapable of improving their victory, except in a petty sort of fashion. Leven rather shamefacedly retraced his steps northwards to besiege Newcastle; the Fairfaxes lingered in Yorkshire to reduce the Royalist strongholds; Manchester returned to Lincoln to waste time in inaction, and quarrel with Cromwell. Still worse, Essex and Waller had, as usual, got out of touch in the south. Their lack of co-operation had enabled Charles to beat Waller at Cropredy Bridge in Oxfordshire (29th June), and Essex's foolhardy plan of penetrating into the south-west gave him the chance of taking advantage of the respite after Marston Moor to isolate and crush his old enemy in the wilds of Cornwall. At Lostwithiel, on the 2nd September, Skippon's infantry was forced to surrender after Balfour's cavalry had succeeded in slipping through the Royalist lines, and their commander-in-chief had slunk away by sea to Plymouth. This disaster, if a much smaller feat for the Royalist cause than Marston Moor had been for the Parliament, at least nullified, as a contemporary complained, "the whole summer's travel" of the Parliamentary generals in the south. If Charles could get back to Oxford without mishap, he might still claim to be master of at least a considerable area of England. To frustrate his purpose the reluctant Manchester was at length forced by the Committee to move from Lincolnshire and join Waller and the remnant of Essex's troops at

Basingstoke, south of Newbury. The ill-concerted and ill-directed attempt (the chief command being placed by the Committee's direction in commission) led only to an indecisive success. In the second battle of Newbury (27th October) Charles' army was indeed severely shaken by superior numbers, but it fought with sufficient effect to enable it to retire in marching order during the following night. Nay, it was sufficiently strong to venture back unmolested from Oxford to relieve Donnington Castle, on the site of the battle, and recover the artillery and luggage stored therein. After inflicting one serious disaster on his opponents and himself escaping another at their hands, Charles had still some reason for clinging to the belief that, despite Marston Moor, he would yet get the upper hand of his enemies. Only in the north had the superiority of strength on the Parliamentary side told decisively against him, and if it was to tell against him in the south, the Parliament would have to find other generals than Manchester and Essex to direct it.

It was this conviction in the minds of men like Cromwell that produced the new Model Army and the Self-denying Ordinance, though the germ of the idea is found in a letter of the unfortunate Waller, who had had bitter enough experience of the tendency of local levies to desert, to the Committee of Both Kingdoms in July 1644. "An army compounded of these men will never go through with their service, and, till you have an army merely your own, that you may command, it is in a manner impossible to do anything of importance." For some time, indeed, it looked as if the only outcome of the southern campaign would be a wretched personal altercation between the generals concerned in its operations. Not only Essex, but Manchester had come out of it with reputation completely eclipsed. The one had blundered lamentably into disaster; the other had allowed Charles to blunder out of disaster. With such men, especially with his superior, Manchester, Cromwell could no longer consort, and at his initiation the feud that had, for three months previous to the battle of Newbury, raged between them in camp and before the Committee of Both Kingdoms, was transferred to the arena of Parliament. On the 25th November Cromwell rose in his place in the House of Commons to arraign in his bluntest

fashion Manchester's want of enterprise, his bad generalship, his disobedience to the Committee, his indisposition to take the advice of his council of war. In short, his conduct had been uncommonly like that of a traitor to the great cause. He had acted as one to whom "victory would be a disadvantage"; as one, in fact, who would fain have spared the king a disaster, instead of doing his utmost for his own side. He had let Charles escape, not only by sheer blundering, but in deference to scruples altogether unbefitting a Parliamentary general. "If we beat the king," Cromwell reported Manchester as replying to the urgent representations of his council after Newbury battle, "he will be king still and his posterity, and we subjects still; but if he beat us but once, we shall be hanged and our posterity undone." If Cromwell spoke truly, it certainly was time that the earl's pusillanimous speeches should be reported. Cromwell saw clearly what that generation did not see, and what subsequent generations have failed to see, as many a military disaster in British history evidences, that men of high aristocratic rank are not, in virtue merely of their birth, fitted to lead armies. His attack was virtually a plea for the recognition of merit, not of name, in the conduct of military operations. The noble earls who presumed to command armies or navies merely because they were earls, should give place to plain squires like himself, to whom God had given the genius necessary to bring the war to a successful conclusion.

On the other hand, Manchester in the House of Lords had, in reply, some very questionable speeches of his lieutenant-general to report. Had he not indulged in certain ultra-revolutionary sayings by no means flattering to the House of Lords or lords in general? Had he not very democratically opined, for instance, that things would not be well in England till he, Edward Montague, Earl of Manchester, were but plain Mr Montague? Had he not presumed to criticise the Assembly of Divines and asserted his own Independent ideas, the Solemn League and Covenant notwithstanding, and thus endangered the alliance between the two peoples? Had he not, further, been guilty of "schism," or insubordination, and quarrelled with, intrigued against his superior and such trusty subordinates as Major-General Crawford?

Here were all the elements of a rousing controversy which, but for Cromwell's magnanimity and public spirit, might have set the two Houses by the ears and made waste paper of the Covenant. The lords, of course, stood by a member of their body, whose dubious tactics represented their own sentiments and opinions. They were supported by the Scottish Commissioners, who resented Cromwell's Independency and would fain have had him brought to trial as an "incendiary." "Ye ken verie weel," said Loudon in his Scottish dialect to Whitelocke at a meeting at Essex House, to which he and Maynard had been invited by the leaders of the anti-Cromwell party, "that Lieutenant-General Cromwell is no friend of ours, and since the advance of our army into England, he hath used all underhand and cunning means to tak off from our honour and the merits of this (our) kingdom . . . and if he be permitted to go on in his ways, it may, I fear, indanger the whole business. . . . You may ken that by our law in Scotland we clepe (call) him an incendiary wha kindleth coals of contention and raiseth differences in the State to the public damage." Whitelocke and Maynard admitted that the same law held in England, but they adduced Cromwell's great merits and his interest in the House of Commons as a strong argument against the proposed arraignment. Whitelocke spoke truly. The majority of the Commons were determined to back one of their members who denounced incompetence and half-heartedness apparent to all, and who had proved his own merits in these respects beyond question. "The Earl of Manchester," wrote Trevor to Ormonde sarcastically, "is become the owl of this Commonwealth, wherein every bird hath a peck at him, and if he escape with the loss of his feathers, his condition will be very much above the expectations of his friends."

Happily, Cromwell himself nipped in the bud the contentions which he had forced on the Houses. He had made his charge against Manchester on public, not on personal grounds, and on these grounds he was ready to waive it.

On the 9th December he, accordingly, made a second speech, urging the House to forbear further recrimination and inquisition, and apply itself to the task of finding an effective remedy. What the remedy was appeared that very day, when

Mr Zouch Tate, seconded by the younger Vane, proposed an ordinance whereby no member of either House should exercise any office or command, civil or military, during the continuance of the war. This measure would, without further recrimination, secure the efficiency on which Cromwell was bent, and without which it was useless to wage war at all. Tactics like those of Manchester would mean not only indecisive battles, but utter ruin to the Parliamentary cause. It had the merit, too, of unanimity in its favour, at least in the Commons. On the 19th December it was passed without contradiction and sent to the House of Lords. The Lords were, however, by no means in a self-denying mood, for the ordinance meant the resignation of their most distinguished members and the virtual extinction of aristocratic influence on the march of affairs. They preferred to waste time and endanger the cause by continuing the Manchester-Cromwell controversy. Accordingly, on the 15th January 1645, they rejected the ordinance on the ground that "they did not know what shape the army will now suddenly take." The Commons retorted by ordering the Committee of Both Kingdoms to produce the New Model of the Army, of which the resolution of December 1643 had proved the futile anticipation, and by passing this model on the 28th January. In the face of this definite scheme the Lords were forced to waive further opposition, and ultimately, after the insertion of a clause making it obligatory on both officers and men to take the Covenant, it became law on the 15th February.

Whether the New Model would be required to attest its efficiency in the field depended on the issue of the negotiations for peace which had been simultaneously carried on at Uxbridge. During the previous summer the Lords and Commons had debated into shape a number of propositions, and these propositions their Commissioners presented to the king at Oxford on the 24th November. The Commissioners found him, as Whitelocke noted, "in no good humour." He was especially offended at the presence of Maitland and two other Scottish representatives. He asked them what powers they had. To receive your majesty's answer in writing, replied Denbigh. A letter carrier might have done that,

was the snappish retort. All the answer they got was merely a sealed demand for a safe-conduct for the Duke of Lennox and the Earl of Southampton to convey some counter propositions. Denbigh, as their spokesman, demurred, and asked for a copy of the missive. "What is that to you who are but to carry what I send, and if I will send the song of Robin Hood and Little John, you must carry it." "The business is of somewhat more consequence than that song," quietly returned Denbigh. Charles at last relaxed, and sent a copy of the demand. The Commissioners discovered that it was directed to the Parliament and contained no acknowledgment of their official capacity, and again remonstrated. This time Charles was inexorable, and rather than wreck the negotiation on a point of form, they desisted, and returned to report. In their desire for an accommodation, the Lords and Commons acquiesced, though not without some outspoken criticism of the royal discourtesy, and ultimately, after further debate, a new set of Commissioners, including Loudon, Maitland, and others as Scottish representatives, with Henderson as clerical assessor, met those of the king at Uxbridge on the 29th January 1645. The Parliamentary propositions, to the number of twenty-seven, embraced religion, the militia, Ireland. They asked the king to cancel all proclamations and indictments against the Parliaments of both kingdoms, to take the Solemn League and Covenant and make it obligatory on all three kingdoms, to abolish Episcopacy and substitute the form of Church government recommended by the Assembly of Divines and accepted by Parliament, to persecute Papist recusants, to assent to the Bills reforming abuses in the Church, to ratify the Acts of the Scottish Convention and confirm the treaties existing between the two kingdoms, to nullify the Irish Cessation and prosecute the war against the Irish rebels, to invest in Parliament the power of nominating all great officers of State in England and Scotland and the Deputy-Lieutenant of Ireland, to exempt from pardon a long list of obnoxious Royalists, to disqualify all justices and other legal functionaries who had turned against the Parliament, to entrust the militia in both countries to commissioners nominated by their respective Parliaments, to suppress all forces raised without their authority, to conclude

peace or declare war only with the assent of both Parliaments, &c.

Charles, on the other hand, contented himself with repeating, for the most part, the demands made during the abortive negotiation at Oxford in 1643.

If, in the negotiation at Oxford, religion helped to bar the way to agreement, it contributed still more to create an impassable barrier in that of Uxbridge. The Parliamentary Commissioners now put forward a definite scheme of Church government on the Scottish model. They even asked Charles to admit the divine right of Presbytery, as well as swear the Covenant. Their opponents retorted with the divine right of Episcopacy, though some of the Commissioners on both sides, like the Royalist Hertford and the Parliamentary Pembroke, were willing to ignore the question of the divine right of either system. "The reverend doctors, on the king's part," said Hertford very sensibly and tolerantly, "affirm that Episcopacy is *juro divino;* the reverend ministers, of the other part, do affirm that Presbytery is *jure divino.* For my part, I think that neither the one nor the other, nor any government whatsoever, is *jure divino*, and I desire we may leave this argument and proceed to debate upon the particular proposals." This accommodating spirit was by no means shared by the clerical champions on either side, and the theological wrestling between Steward and Henderson only widened the chasm between them. The royal Commissioners would not surrender the bishops; they clung to the ecclesiastical prerogative, and to apostolic succession; they could not advise his majesty to swear the Covenant, or recognise the Assembly of Divines; they would not give up the Book of Common Prayer in preference to the Directory of Worship. They were willing, for the sake of peace, to allow nonconformity in matters religious, and suspend the penalties thereanent. They would agree that the bishops should exercise no act of jurisdiction or ordination without the consent and counsel of one presbyter in each diocese to be chosen by the clergy. They were ready, too, to sacrifice pluralities and other abuses which had long formed the stock-in-trade of the Puritan reformer. But they would not root out the traditional Church government in deference either to the Solemn League and Covenant

or to the Root and Branch Bill, and would go no further than a slightly modified Episcopacy, with reform of abuses to make it more palatable. Their concessions would have been eminently reasonable and satisfactory five years before. They had come too late to be acceptable now, even if Charles could be relied on to enforce them. They were far from satisfying the religious convictions, whether Presbyterian or Independent, of a large section of the Commons, and their acceptance would, moreover, involve a breach of faith on the part of Parliament towards its Scottish allies. The Scottish alliance, in fact, precluded even their consideration, far less their acceptance. The Parliamentary Commissioners, therefore, held that they had proved their case to demonstration against Episcopacy and in favour of Presbyterianism, and insisted on the substitution of the latter for the former as the indispensable minimum of reformation.

It was only too evident, long before this consummation, that the ecclesiastical debate would end in failure. That on the militia and Ireland was no more successful. The Royalist representatives were ready to place the militia in commission, but they limited the term to three years, and demanded that the king should nominate half the commissioners. They ignored at first the demand in reference to Scotland, and would subsequently go no further than to promise to enter into a separate agreement on this head, on condition that the Scottish Commissioners were authorised by their Parliament to make it. Their opponents, on the other hand, insisted on the solidarity of the two kingdoms, and would only agree to a limitation of seven years, when a further settlement should be made by the united consent of the king and the Parliament; but they would not admit his majesty's claim to a voice in the nomination of the present commission. They further refused, in reference to Irish affairs, his claim to make a cessation of arms in Ireland, energetically condemned the exercise of this claim without the consent of the Parliaments of England and Scotland, and insisted that the Irish Treaty should be declared void in the interest of the Protestant religion and the welfare of the three kingdoms. In this contention they persisted despite all arguments to the contrary. On both religious and national grounds the ani-

mosity of Englishman to Irishman would not allow a fair or charitable consideration of Irish claims. In the view of the Parliament and its Commissioners, as well treat with brute beasts as with these accursed Papists, whose hands were dyed with Protestant blood, and for whom extirpation was too good. Charles must stand aside that the vengeance of the Parliament be not stayed—nay, he must lend his assistance in the bloody work.

The resentment of the Lords and Commons might be natural in the circumstances, with the record of massacre ringing in their ears. But their eagerness for the blood of Irish heretics and rebels was more beseeming Mohammedans than Christians, and it certainly did not tend to make the task of accommodation easier. Charles had recognised from political and personal reasons that the rebellious Irish had after all some claim, on national and religious grounds, to consideration on the part of a Government which in the past had been guilty of many wrongs towards the Irish people. He could even discriminate degrees of guilt, and in his reply he taught the Parliament a much-needed lesson in toleration and mercy. "We are far from that Mohametan doctrine that we ought to propagate our religion with the sword. The war destroys all alike, without distinction (even innocent children have suffered, not by the rebels only), and all are not tigers or wolves. There may be grounds of mercy to some, though no severity be excessive towards others."

The Parliament saw nothing but the interest of England and the Protestant religion, and was determined to outdo Irish ferocity by a bloody retribution. It was ere long to have its bloodthirsty cravings more than satisfied by Cromwell; but, in the meantime, Charles' Commissioners stood firm, and further debate was cut short by the expiry of the period during which the negotiations were by agreement to last, and by the impossibility of extending it. On the 22nd February, both sides separated in hopeless contention. There was yet to be grim work enough for the New Model and its commander-in-chief, Sir Thomas Fairfax.

In this work the services of Cromwell could not be dispensed with, in spite of the Self-denying Ordinance. He had been hard at work helping Waller in the west, through-

out March and the first half of April, and on his return to give up his commission, he was within a few days sent into Oxfordshire to commence the preliminaries of the campaign against Charles himself. In the beginning of June he was nominated Lieutenant-General once more, this time under a commander-in-chief after his own heart. "There is little or no appearance," wrote Charles to the queen, on the eve of the collapse of the peace negotiations, "but that this summer will be the hottest for war of any that hath been." He still reckoned on being able to hold his own in spite of the New Model, and was rather pleased than otherwise that the failure of negotiations had freed him from the pacific importunities of his mongrel Oxford Parliament, as he called it. Montrose's victorious progress in Scotland, and the news that the queen had succeeded in persuading the Duke of Lorraine to hasten to his assistance with 10,000 men, made him sanguine even of ultimate triumph. He relied, too, on the effects on the Catholic princes of the assurance which he empowered the queen to give, that he would, God willing, abolish all penal laws against the English Catholics. That he could believe in the feasibility of such problematic schemes is a striking proof that the impracticable habit of looking at things as he wished to see them rather than as they were, had only grown more inveterate, despite all the bitter lessons of experience. He would yet by such expedients crush his foes, and be master in his own kingdom once more. Such was the sanguine reading of the future that buoyed him up on the eve of irreparable disaster. The influence of the queen, unfortunately, only tended to confirm the delusion. He had as great a confidence in Henrietta Maria as in himself. Events, swift and terrible, were to bring a grim disenchantment. The Royalists were, in truth, fully expectant of victory, though somewhat uneasy on the subject of the New Model. "We have no fear of continuing our successes," wrote Trevor to Ormonde, in reference to Goring's early operations in the west against Waller, "unless the new Armada they are providing at London strike a peg into the wheel of our fortune."

Cromwell's activity in Oxfordshire helped very materially to bring on the crisis. His rapid and successful attacks at

Islip, at Bleckington, at Bampton, hindered Charles from moving from Oxford to join Rupert at Worcester. He ultimately, indeed, got away before Fairfax was able to invest it, marched dubiously hither and thither in the Midlands, threatened an inroad into the eastern counties, and stormed Leicester (30th May). But by the middle of June, Fairfax, waiving the siege of Oxford, was within striking distance near Naseby, in Northamptonshire, with Cromwell as Lieutenant-General, and a clear superiority of numbers to boot. Here at last, on the 14th, took place the decisive battle of the war. As at Edgehill, Rupert charged the Parliamentary left, and swept Ireton's horse from the field; but, as at Marston, the fierce struggle on the other wing, which Cromwell commanded, ended in the rout of Langdale's squadrons on the Royalist left. Then rushing his Ironsides against the exposed flank of the Royalist centre in support of Fairfax's foot, Cromwell broke it and drove Charles and his army into flight towards Leicester, without hope of ever being able again to face the New Model in open field. Naseby had at last indisputably decided the bloody contest of four years in favour of the Parliament. On this day, as Clarendon ruefully reflects, the king and the kingdom were lost. It was not a great battle in the modern sense. The combatants on both sides would not have made up a single modern army corps. Charles had only 10,000 horse and foot, against Fairfax's 13,000. But in its effects the battle settled the great issue between the two parties as decisively as if the whole might of Royalist and Roundhead England had been arrayed in deadly struggle. Four times had Charles commanded in person in pitched battle during these years of internecine campaigning. At Edgehill, at Newbury, at Newbury again, he had claimed the advantage, and had at least fought so doggedly that the Parliamentary commanders were fain to rest content with the mere possession of the field. At Naseby, against Fairfax and Cromwell, he was irretrievably beaten. At the end of the battle and the pursuit his army was non-existent—half of it prisoners, the other destroyed or fugitive, its artillery and baggage in the hands of the victors. Charles fled to Wales, and on the Welsh border and in the Midlands he hovered irresolutely with a couple of thousand horsemen, at one time

penetrating as far east as Huntingdon; at another, forcing Leven to raise the siege of Hereford; at another, turning north to Rowton Heath to suffer defeat at the hands of Major-General Poyntz, in the hope of relieving Chester and joining Montrose in Scotland; anon returning to Oxford in November, whence he was finally driven by Fairfax in the spring of 1646, to seek refuge in the Scottish camp at Newark (5th May).

The attempts to forestall this extremity by repeated appeals to the Parliament for the renewal of peace negotiations fell on deaf ears. The Lords and Commons not only refused to accede to the demand for a safe-conduct for Charles' representatives; they would not entertain his offer to come to London and treat with them in person, even with the profession of large concessions, including liberty of conscience, to back it. There could now be no question of a treaty. Charles must simply accept the terms offered him, and these terms would be forwarded in due time in the form of Bills for his assent. From this resolution neither appeals nor protestations could move them. The time had gone past for playing the fiasco of Uxbridge over again.

After Naseby the conflict was practically decided as far as England was concerned. By a supreme effort at concentration, with the aid of Goring, Charles might still have gathered an army out of the scattered Royalist garrisons and the men of Cornwall and Devon. The demoralisation following on Naseby rendered the task hopeless. The discovery of his negotiations, through the queen, with the Duke of Lorraine, the kings of Denmark and France, and with the Irish rebels through Glamorgan, for armed assistance—evidenced by the papers captured at Naseby and the letters intercepted later—alienated many even of his former supporters. As usual, he disowned his own letters and his own agents, such as Glamorgan, when publicity brought to light his furtive schemes. His disclaimers deceived nobody but himself. Even the buoyant Digby began to despair of success after Naseby. "I protest to God," wrote he to Lord Jermyn on the 27th August 1645, "I do not know four persons living besides myself and you who have not already given clear demonstration that they will purchase their own, and as they flatter themselves, the kingdom's quiet, at any price to the king, to the Church, and

to the faithfullest of his party. But to deal freely with you, I do not think it will be in the king's power to hinder himself from being forced to accept such conditions as the rebels will give him, and that the next news you will have, after we have been one month at Oxford, (is) that I and those few others who may be thought by our counsels to fortify the king in firmness to his principles, shall be forced or torn from him."

The rest of this bellicose story is, therefore, mere detail as far as England is concerned, comprising, *inter alia*, Goring's defeat at Langport (10th July), the reduction of Bristol (10th September), the storming of Basing House (14th October), and of Dartmouth (18th January 1646), the surprise of Hereford (8th December), the defeat of Hopton at Torrington in Cornwall (16th February), the surrender of Exeter (9th April), of Oxford (24th June), and finally, of Worcester in July.

For a brief interval it seemed as if, in the crisis after Naseby, salvation might come to the Royalist cause from Scotland, as it had come to that of the Parliament in the midst of the gloomy outlook of the summer of 1643. In the autumn, winter, and summer of 1644-45, Montrose had practically conquered Scotland for the king. Ever since the commencement of hostilities he had been importuning Charles for authority to raise the royal standard north of the Border, and had striven hard to win the queen for his bellicose plans. The Covenanters, he argued, would certainly sooner or later strike in on behalf of the Parliament, and the only way to forestall such a contingency was to seize the leaders and crush their followers before they had time to organise an invasion. The ardent young marquess had no belief in the efficacy of any policy but that of force, and the desire to retaliate on his Covenanting persecutors as well as vindicate the royal authority gave zest to his importunities. He had some political philosophy in his head as well as much chivalry in his heart. In a letter to a friend (1640-41), he had expounded his views on government in the abstract, with some application to Scotland. In this effusion he emphasises the necessity of sovereignty in some distinct organ of the State, such as a monarch, an aristocracy, a Parliament of three estates. Scotland being a monarchy will never be rightly governed until the relation of crown and people is properly adjusted. Government by

faction (such as that of Argyll presumably) is the short road to tyranny. To prevent this Charles should grant guarantees as to religion and just liberties, and thus re-establish his authority. The time for the peaceable application of this theory was now, however, past. Montrose's sword should do what his pen had failed to do.

Not only was Royalism to him a creed; his high strung soul could not brook subordination to others, especially to men of the type of Argyll, who embodied all that was hateful to him in politics, all that was fitted to make them personal enemies. He had been under the necessity of harbouring his opinions and his sentiments in silence since Argyll's ascendency had shunted him into a position of impotence and endangered for a time his head. At one juncture, indeed, in the spring of 1643, we find him, after the rejection of his overtures by Charles, professing some inclination to come to terms with the dominant party in Scotland, and carrying on a dubious intrigue with its leaders, who offered to pay his debts and make him second in command to Leven. He played with these overtures for some weeks and even interviewed Henderson at Stirling on some scruples of conscience (as he gave out). His real purpose, according to Guthry, was merely to ferret out the secrets of his opponents in order to discover new arguments wherewith to ply the king to authorise his aggressive scheme. At all events he had, equally with Argyll, acquired the reputation of being an adept in the art of intrigue on his own side of the question, and it would, indeed, in such an age be rather naïve to look, as his admirers do, for absolute honesty in any quarter whatsoever, even in that quarter which the star of Montrose has illumined with a halo of romance. "The man," says Baillie, somewhat hesitatingly, "is said to be verie double, which in so proud a spirit is strange." His chaplain and panegyrist, Wishart, unwittingly confirms Baillie's suspicion of his hypocrisy in this instance at all events, and this trait hardly fits in with the ultra-partisan conception of his unalloyed idealism. "He pretended," says Wishart, "to have some scruples," in order to ferret out the secrets of the Covenanting leaders, and befooled Henderson into the belief not only that he had a high opinion of his veracity and honesty, but that he himself was

actuated by absolute sincerity in the overtures he made to him. In view of these tactics, it is rather ingenuous on Wishart's part to add that "on the other hand his generous mind disdained to encourage their (the Covenanting party's) hopes!" A generous mind that first pretended scruples for a certain purpose and yet disdained to encourage hopes, is an anomaly which his reverend chaplain and his modern panegyrists do not deem necessary to explain.

Double or not, he certainly was an enthusiast:

> "He either fears his fate too much
> Or his deserts are small,
> Who dares not put it to the touch,
> And win or lose it all."

His impetuosity made at first no impression on his staid majesty. He preferred the cautious policy of Hamilton, who pointed out that the rash, bellicose schemes of the young enthusiast would only set Scotland in a blaze, and very probably defeat their own purpose by precipitating the Covenanters into the arms of the Parliament. Hamilton undertook to keep matters smooth whilst essaying the efficacy of intrigue. Unfortunately for Charles, he over-estimated his powers, with what results we are already acquainted, if indeed, as the Royalists believed, he was not playing double in his own interest.

With the Scottish invasion Montrose's opportunity came at length, and in the winter of 1643-44, Charles commissioned him as Lieutenant-General of his Viceroy in Scotland, Prince Rupert, to attempt that diversion northwards, in whose favour he had argued and importuned so long. With the assistance of an Irish force, which Antrim undertook to land in Argyll, and reinforcements, whom Charles hoped to negotiate from Denmark, and such horse and foot as Newcastle could spare, Montrose would turn the tables on the rebellious Scots, and strike a decisive blow for the king.

It seemed at first, indeed, as if he had set out on a visionary enterprise. Newcastle could spare him no more than a few horsemen; Antrim's expected landing did not take place, and after crossing the Border with a few troopers and infantry, and seizing Dumfries, he was driven back by

the Sheriff of Teviotdale to Carlisle to expend his Royalist enthusiasm in reducing Morpeth. Marston Moor, in which he just missed taking part by a day's march, put an end to further hopeful adventures in these parts. The outlook seemed desperate enough, but Montrose was equal to the occasion. He resolved to seek the Highlands single-handed, and raise the clans for the king. Disguised as a groom, in attendance on Colonel Sibbald, he reached the Perthshire uplands, and furtively concocted a rising of the Athole men. With these and an Irish contingent, which Antrim had managed to land on the west coast, under Alastair MacDonald, the sworn foe of Argyll, whose hand had pressed hard on his kin, he burst out of the mountains into Strathearn, and scattered a much larger Covenanting force under Elcho and Tullibardine, at Tippermuir, near Perth, on Sunday, the 1st September. From Perth he hurried away to avoid Argyll, who was marching to the rescue, through Angus to Aberdeen, gathering reinforcements among the Ogilvies as he went, to repeat the exploit of Tippermuir at the expense of another Covenanting force double the size of his own, and sack the city with horrible cruelty (13th September). It was a strange rôle for the man to play who had but six years before gained notoriety against the Royalist Gordons as the aggressive protagonist of the National Covenant. The approach of Argyll and Lothian, who had tracked him northwards with a superior body of horse and foot, again drove him from the scene of his victory westwards into the mountains of Badenoch, and ultimately, after tortuous marches down into Athole, back into Aberdeenshire, to Athole once more—"coursing thrice round about from Spey to Athole," says Baillie—succeeded in giving his pursuers the slip. Though he had lost most of his followers by desertion, he managed to gather a fresh band, and burst about the middle of December into the Argyll country to harry and slay to his heart's content till the end of January. Then sweeping north with intent to crush the northern clans, whom Seaforth had gathered on Loch Ness, he swerved aside into Lochaber on hearing that Argyll and his clansmen were on the war-path in this wild region. At Inverlochie, on Sunday, the 2nd February, he pounced on his prey with such effect

that most of them lay dead among the heather at the end of the battle and the pursuit. "Behold," mused Baillie, sadly, "the indignation of the Lord." It showed, at any rate, that if Argyll could manage Parliaments, he could not win battles. He was more in his element in the Parliament House than on the battlefield, and with more prudence than courage he exercised the art of war from a boat on the loch, and thus escaped the slaughter. A disabled arm, due to a fall, and the pressure of his friends, are adduced as the explanation of his somewhat self-indulgent notion of generalship.

The advent of April 1645 again found Montrose, after further marchings in the Moray country, full-swing on the war-path on the eastern side of the Grampians. A rapid night march brought him to the gates of Dundee on the morning of 4th April, before General Baillie, who had displaced Argyll as chief commander of the Covenanters, and Hurry, his subordinate, could grasp the fact that he had left the Perthshire hills. His Highlanders had already begun to burn and plunder when the tidings of Hurry's advance forced them to desist and follow their leader, with some loss, away once more, in a masterly retreat, to the mountains beyond Brechin. A movement of Hurry towards Inverness, by way of Aberdeen, drew him away from the Perthshire hills northwards as far as Auldearn, where Hurry risked an encounter, and lost the greater part of his army in consequence (8th May). Two months later, in the beginning of July, came the turn of his superior, Baillie, who had joined him in his retreat eastwards, at Alford, Donside. Alford fight opened the road to Montrose, for whom the Presbyterian ministers had prayed and prophesied defeat again and again, down into the Lowlands once more, and Baillie's attempt to stop his progress at Kilsyth (15th August) cost him all his artillery and the greater part of his men, who were routed and slaughtered by the thousand. With the capture of Glasgow, both Highlands and Lowlands were at the mercy of the irresistible Royalist leader, who bade fair to cross the Border and retrieve the cause of Charles in England itself. Unfortunately for him, many of his Highlanders left him, as so often before, to enjoy the fruits of their victories, and it was with

but a handful of foot and horsemen that he was forced by David Leslie at Philiphaugh, on the 13th September, to fight an impossible battle against the veteran cavalry, which he had hastily led from England. Fighting or fugitive, the greater part of his little band was cut in pieces—the Irish prisoners, in spite of promised quarter, and even their women and children, being, at the instigation of the fierce Covenanting preachers, slaughtered among the rest. In the sack of Aberdeen, the Irish had barbarously murdered women and children. After Philiphaugh, the Covenanters had better have kept silence over such savage deeds.

Montrose's scheme had thus a ghastly ending. He himself, with a few horsemen, escaped from the field to the Highlands, and was ultimately allowed to retire to the Continent. The executioner's axe thinned the ranks of his followers who had the misfortune to be taken. "The work," as the Rev. Mr Dickson said with great satisfaction, "goes bonnily on." The bloodthirsty tone of the preachers was detestable, though in time of civil war some allowance must be made for harsh methods and vindictive feelings. Parliament, sitting at St Andrews in December, finished "the work," by summarily ordering the remnant of captured Irish to be executed without trial. There could be no mercy for invaders who were Papists as well as rebels.

"If we settle affairs here" (in England), wrote Baillie, "Montrose will melt like a snail." The rout at Naseby had, indeed, several months before the rout of Philiphaugh, made a further career of victory impossible. Montrose might issue forth with his Highlanders from the hills in spasmodic fashion and smite the raw Covenanting levies of Fife or Clydesdale. In the open, against David Leslie's veterans, there awaited him only the disaster of Philiphaugh.

Though he inevitably failed in his desperate mission, he succeeded in making an indelible impression on both contemporaries and posterity. His military talents were certainly extraordinary, though he had only mediocrity for an enemy. His enthusiasm was genuine, if misdirected. These facts entitle his name to respectful remembrance. He belonged to that order of men who, on the whole, act from generous principles, though circumstances and personal feel-

ings contributed their share to the general impulse. But such men are apt to be dazzled with the glamour of a name. They do not stop to consider that men like Charles I. are hardly, after all, worth risking the scaffold for even if they represent what may seem a sacred cause. They are partisans pure and simple, and their admirers are usually of the same quality. Such could have no adequate conception of the principles for which Parliamentarian and Covenanter had grimly fought in spite of their narrow dogmatism. They are too wrapped up in their own fervour, their own prejudices, to perceive the bearing of ideas apart from words. Looking at movements and not at men, Montrose was a romantic enthusiast to whom the mere glitter of a crown meant far more than the simple majesty of human rights. It was because he was incapable of appreciating the rights of men that he became the impassioned crusader of the rights of one man. The inmost feeling of him is that the word of Charles should, in this controversy, be the last word, and that he, as Charles' champion, should equally lay down the law not only to the people, but to his rivals among the nobility. His proud self-consciousness could not brook any master but the king. Happily there were other men who believed as intensely as he that they should have something to say in these controversies, whether in Church or State, and to their dogged, if by no means attractive dourness in having their say, despite autocratic kings and would-be autocratic marquesses of the Montrose type, we owe it that Great Britain did not sink to the level of the France of a Louis XIV. in the matter of political liberty.

After Philiphaugh Charles really had no alternative but to surrender either to the Parliament or the Scots. In resolving to surrender to the Scots, he persuaded himself that he was making the best of the miserable plight in which the war had landed him. The alliance between the Parliament and the Covenanters had not, as we learn from Baillie's letters, worked smoothly. After Marston Moor the friction had gone on increasing. Independent and Presbyterian, whether in the Parliament, the Westminster Assembly, the army, could not consort together, or only consorted together under pressure of necessity. The narrow dogmatism of the Scottish and English Presbyterian

divines was, though from different reasons, as obnoxious to laymen like Cromwell and clerics like Goodwin as it was to Charles and his bishops. The Independents urged the plea of liberty of conscience for those who objected to the full-blown system of Presbyterian Church government and discipline, to which the Covenant had committed the Parliament. They not only fought against it in the Assembly; they appealed to the Lords and Commons, and the Ordinance of 4th January 1645 annulling the Acts of Uniformity in favour of the Prayer Book and substituting the Directory of Worship, presented by the Assembly to Parliament, was strongly resented by the champions of "liberty of conscience." The Ordinance of 23rd October (1645) ordering every parish to receive a copy of the Directory, and every clergyman to observe its directions in the conduct of worship, under severe penalties for refusal in the third instance, only embittered the contention on religious grounds. As Baillie's letters amply show, the Westminster Assembly was not only "a world of debate," but of intrigue and contention on the part of two irreconcilable parties.

On other grounds there were bickerings and jealousies enough. The anti-Presbyterian party claimed Marston Moor as an English, more especially a Cromwellian victory. The Scots protested, and attributed the rout of Rupert and Newcastle to David Leslie and Baillie. If old worn-out Leven had fled in a panic-stricken moment, Manchester and Fairfax had been carried off the field in the flight of part of the English foot and horse. Moreover, since Marston Moor, the Scots, according to the Independent partisans, had done nothing but hang about the north (Montrose being on the war-path, they ought to have added), and had later retreated from the siege of Hereford. They had, too, lived on the country, and perpetrated many violences in so doing. Nay, they were even accused of carrying on after Naseby a treacherous intrigue with Charles himself, and must, in consequence, clear out of Carlisle, Newcastle, and other English towns in their possession. In all which the Scots saw the machinations of the Independents, who decried their services and invented sinister rumours of purpose to bring about a rupture. They reminded them that Leven had been com-

pelled to detach a large force of cavalry to cope with Montrose in Scotland, and had thus been obliged by the paucity of numbers to retire from Hereford before Charles' approach. They charged them with intentional neglect to pay the promised monthly subsidy in order to force the Scottish army to subsist by violence, and thereby render it odious to Englishmen. They were clearly, according to Baillie, whose ecclesiastical convictions did not, however, tend to make him an over-charitable judge, driving matters in the direction of a quarrel in order to become masters of the situation. With the turn of fortune in favour of the Parliament and the certainty of a complete triumph, the services of the Scots were minimised, and their inactivity since Naseby gave some colour of justification to the tendency to criticise and depreciate. The Covenant had evidently become a burden instead of a bond of harmony. "Had our army," wrote Baillie on the 15th January 1646, in reference to the difficulties of getting the Presbyterian system under weigh, "been but one 15,000 men in England, our advice would have been quickly followed in all things; but our lamentable fortune at home and our weakness here makes our desires contemptible. Had the king been of any considerable strength, fear would have made them careful to do duty; but their great success, the king's extreme weakness, and our miseries makes them follow their own natural humours, to the grief of sundry gracious men of their own number." He forgot to add that the exacting spirit of himself and his fellow-Presbyterian divines in resisting all overtures for toleration was very largely responsible for the growing cleft between the two peoples. Had the Presbyterians left a margin for dissent alongside the Established Presbyterian Church, they would have gone a long way to lessen the danger of rupture. To men like Baillie, with their dogma of the divine right of Presbytery, all opposition was necessarily unwarrantable hostility.

The religious quarrel only too surely portended political friction as well. The Scottish Commissioners objected on various grounds to the Parliament's attitude on the question of the renewal of peace negotiations. They complained in some papers, presented in April 1646, of the slackness in fully establishing the Presbyterian system as concluded by the

Westminster Assembly. They demanded a clear understanding on this point as the basis of any peace negotiations, and deprecated the proposed appointment of Parliamentary Commissioners to control ministers and elders in the exercise of discipline, as an undue subordination of the Church to the Parliament. They objected, in reference to the militia, to the absolute negation of the rights of the crown as an attempt to subvert the constitution, and required the recognition of this right along with that of the Parliament. They denied that the Treaty of November 1643 between the two kingdoms was a mere temporary arrangement, and insisted that it was still binding in every particular. They further desired that the Lords and Commons should concur with them in proposing that the king should henceforth eschew the practice of non-residence in his northern kingdom, and spend one year in every three in Scotland, and that a fair share of the offices in the royal household should be held by Scotsmen.

The Lords and Commons by no means relished this critical Scottish attitude, and their dislike was lashed into towering indignation by the publication of these papers without assent given. They suspected the Commissioners of a desire to steal a march on them with the public, and ordered the offensive print to be burned by the hangman, and its author proclaimed an incendiary (14th April). Three days later they published a counterblast of their own, disclaiming any intention to recede from the Covenant or alter the fundamental constitution, and pointing to the fact that they had established Presbyterianism as evidence of their sincerity, but insisting on the right of Parliament to supreme jurisdiction over the Church courts by means of Parliamentary Commissioners, and on the necessity of settling the question of the militia in such a way as to preclude the exercise of arbitrary power for the future. They could not, in particular, "grant an arbitrary and unlimited power and jurisdiction to near 1,000 judicatories to be erected within this kingdom," nor would they agree to the exclusion "of the power of Parliament in the exercise of that jurisdiction."

On the other hand, the Scottish Parliament, convened at St Andrews in the beginning of 1646, added its complaints and representations to those of its Commissioners, and sent

letter upon letter exhorting the Lords and Commons to establish religion in accordance with the Covenant, pressing for the despatch of peace propositions to the king, complaining of arrears of pay, and resenting the insinuation of underhand dealing with his majesty as a malicious and totally unfounded aspersion of their honour (February 1646). So acute had the tension between Presbyterian and Independent become that zealous Presbyterians like Baillie are even found regretting that the king had been only too well beaten. Moreover, the Scottish Commissioners had, since the autumn of 1645, been exchanging views with Montereul, Mazarin's agent in England, for the purpose of bringing the king, through the mediation of France, to accept terms satisfactory to them and at least the Presbyterian section of the Parliament. They had even sent Sir Robert Murray to Paris to persuade Mazarin to intervene with the queen and Charles to this end.

On the other hand, there is evidence enough of overtures of the Independents to the king for their own ends. "The king," notes Clarendon, "used all the means that occurred to him, or which were advised or proposed by others, to divide the Independent party and to prevail with some principal persons of them to find their content and satisfaction in advancing the king's interest. . . . And it was thought to be no ill presage towards the repairing of the fabric of the Church of England that its two mortal enemies (Presbyterians and Independents), who had exposed it to so much persecution and oppression, hated each other as mortally, and laboured each other's destruction with the same fury and zeal they had both proscribed her."

Thus at the very time that Charles' fortunes seemed utterly desperate, both sides were competing for the honour of making terms with him, and intriguing their hardest to outwit each other. Both might thus with reason charge the other with underhand dealing with the enemy, and their consciousness of the fact did not tend to improve their humours.

Here, then, was what might seem to Charles a providential deliverance from utter ruin. "The king," noted Mrs Hutchinson, "had hope by their divisions to prevail for the accomplishment of his own ends." He was not after all, it

seems, a forlorn fugitive with his enemies at his heels. Both sections of these enemies were holding out what might appear a helping hand. Which would he take? On the whole, the Scottish hand looked the more trusty of the two, and, through Montereul, he kept for some months essaying the efficacy of endeavouring to extricate himself from his straits by its aid. On what conditions could he do so? It is difficult to say with accuracy, for Montereul's negotiations with the Commissioners in London throughout the winter of 1645-46 were lengthy, and, as reported by him, not satisfactorily clear or implicitly trustworthy; while Murray's interviews with Mazarin at Paris in November and December 1645 are likewise somewhat misty. From a letter to Ormonde, written on the 3rd April 1646, Charles appears to have imagined that he had won over, through Montereul, the Scottish Commissioners to the proposal to join their forces with his in order to secure peace and vindicate his just rights. Nay, they were, it seems, prepared to join with Montrose and "his well-affected subjects of England" to compel the acquiescence of the ill-affected. They were willing, apparently, in their anxiety to secure Charles (if we may trust Montereul), even to waive not merely his acceptance, but his approval, of the Covenant! Their compliance in this superlative point is certainly suspicious, and, as even Clarendon admits, the impressionable and not over-scrupulous French envoy had evidently taken too sanguine a view of their admissions. Charles, at any rate, was merely, as he told the queen, trying to "manage" them as his most likely saviours in a desperate situation. With his usual shiftiness he attempted to keep both Presbyterians and Independents in play, though circumstances forced him to try to make the Scots his greatest dupes. "I am endeavouring to get to London," wrote he to Digby on the 26th March, "so that the conditions may be such as a gentleman may own, and that the rebels may acknowledge me king, being not without hope that I shall be able to draw either the Presbyterians or the Independents to side with me for extirpating one or the other, (so) that I shall be king again."

This policy of manipulation was characteristic, but it was dashed, as far as the Scots were concerned, by the firmness of Balcarres and Dunfermline, the Commissioners with the

Scottish army, who absolutely refused to entertain the Montereul version of the agreement with their fellow Commissioners at London, and demanded an explicit guarantee as to the establishment of Presbytery, not merely vague references to conscience. Charles must, moreover, abandon Montrose to the extent at least of his going into exile. Montereul expostulated in vain, and sent a disconsolate epistle to Oxford, cursing Scottish perfidiousness and begging Charles to give the Scottish camp a wide berth if he could. "Abominable, relapsed rogues," burst out Charles on hearing the news. Shrewd they were, at any rate, for they knew very well, as Montereul himself informs us, that Charles had said that he would rather die in a ditch than sanction the Presbyterian establishment in England. There was now, at all events, no time to dispute the point, and ultimately he was forced, by Fairfax's approach, to escape from Oxford in the end of April and throw himself on the protection of these relapsed rogues. With them at least, Montereul assured him, he would be safe. "The Scottish camp," wrote he to Mazarin, "was the place where he has least to fear, and whence he can more easily arrange his affairs." This was strange language for the man to use who had had his eyes opened to the depth of Scottish perfidy.

Into the camp of these relapsed rogues Charles, accordingly, rode on the morning of the 5th May, after roaming very hesitatingly for about a week on the road between Oxford and Newark. At the last moment, it seems, he had managed to patch up a verbal understanding that he might come with safety into their midst, that his conscience would not be constrained, and that if the Parliament refused, upon a message from him, to restore him to his rights and prerogatives, they would espouse his cause and protect his adherents. What this message was is not apparent, but that it included the establishment of Presbytery seems certain.

Leven and the Commissioners professed in a letter to the Committee of Both Kingdoms that his arrival was an absolute surprise. Surprise it was not, however, in view of the foreknowledge of his coming, and in this instance it is impossible to clear the Scots of double-dealing. Surprise or not, there is a ring of sincerity in Lothian's assurance of Scottish fidelity

to the Parliament. "Whatsoever be his disposition, our resolution, you may be assured, is, that we shall never entertain any thought, nor correspond with any purpose, nor countenance any endeavour that may in any circumstance encroach upon our League and Covenant, or weaken the union and confidence between the kingdoms." A month later (8th June) the Commissioners denied in still more emphatic language, in view of the publication of the Ormonde letter, that they had ever countenanced the agreement it purported to detail. They roundly declared any assertion that they had agreed to combine with the king against the Parliament to be "a most damnable untruth." This was strong, but it was not straightforward. It was a damnable untruth that either the Scottish Estates or the Scottish army had concluded or sanctioned any such agreement, but some of their Commissioners had, on their own responsibility and through Montereul, been negotiating with Charles behind the Parliament's back, if they had not gone the length of agreeing to sacrifice the interests of their allies to those of the king. They might, if they had had the courage to admit the truth, have pleaded the fact that they were only trying to counteract the tactics of the Independents, who were equally guilty of clandestine dealings with Oxford. As it was, their disclaimer only intensified the tension, and only the necessity of avoiding a rupture for fear of worse consequences hindered, according to Baillie, both sides from coming to blows.

That the Commissioners had no intention of playing the Parliament false seems, however, clear from the testimony of Charles himself. He had, indeed, exonerated them from the charge of treachery in a letter, of date May the 18th, to both Houses, from Newcastle, whither the Scottish army had removed, assuring them that he had given himself up to the Scots with no intention of continuing the war or fostering divisions between the two kingdoms. He was now, indeed, so far amenable to Scottish influence that he recommended them to settle the ecclesiastical question in accordance with the advice of the Westminster Assembly. He would further accept the Propositions of Uxbridge relative to the militia, and promised full satisfaction in reference to Ireland. In

proof of his sincerity he issued an order on the 10th June to what remained of his forces to surrender and disband.

Ultimately after lengthy consultation with the Commissioners and deliberation in both Houses, the Lords and Commons formulated what were known as the Propositions of Newcastle (30th June). To these the Commissioners, under the skilful manipulation of Argyll, agreed with some remonstrance and reservation. They contained substantially the same demands in regard to religion, the militia, Ireland, as those of Uxbridge. They definitely invested in Parliament the supreme control of the militia for twenty years, and they were more specific as to the punishment of malignants—especially the members of the "unlawful" Parliament of Oxford. Further, all grants, &c., under the Parliament's Great Seal should be accounted valid, and all sealed by Charles since November 1643 invalid.

In the actual state of affairs the only alternative open to Charles was to accept these propositions or abdicate. In the former case he would have acknowledged his complete defeat and his inability to act otherwise if he wished to retain the name of king. In the latter he could have saved his conscientious scruples and retired from an untenable position with a heroic dignity. He adopted neither course, and preferred to imagine that, though utterly beaten, he could still manipulate parties, and by delay and intrigue change the trend of destiny to his advantage. Even yet he clung to the idea that a king who had lost irretrievably the stake in the stern game of war, might still hazard his chances, with nothing to play with, and win back in the end a substantial part of what he had forfeited in the game. True, he might, by yielding to the demands of the Scots in the matter of the Covenant, hope to secure their goodwill and even their co-operation in mitigating the terms of the Parliament. But to accept the Covenant was to surrender Episcopacy, which he still believed with his father to be the main prop of monarchy. Moreover, as we learn from his letters to the queen, he believed as fanatically that God was on his side though he had failed, as his opponents believed that He was on their side because they had succeeded. This might be pious; it was far from being practical, and

persistence in this unpractical line of reasoning could lead to feasible agreement with neither party. "If that man now go to truckle on bishops and delinquents," wrote Baillie on the 16th May 1646, from the Presbyterian point of view, "it seems he is mad." "Let the king," added he two months later—this time voicing the sentiments of the Independents—"stick upon anything we have sent, we shall quickly establish ourselves a republick and forswear kings for ever; for you have been so exceedingly bloody and base that God and man calls for your extirpation, especially now when the world sees your remediless obstinacy and full resolution to go on in this false and hypocritical way; better once for all to be rid of you and all who will take your part."

In view of this stern spirit Charles' belief in diplomacy was pure imbecility, even with the appeal to conscience to consecrate it. Conscience, doubtless, there was in his impracticable attitude, though his conscientious scruples were compatible with duplicity as well as obstinacy. Even his ministers and bishops could not get him to see that with such weapons he was merely beating the air. He believed in himself, and he still, as his correspondence shows, looked for deliverance from one in whom he believed most next to himself, the queen. It was very unfortunate that he was yoked with a partner who was not only a foreigner, but a Roman Catholic. His deference to his wife, it might almost be said, cost him his throne. He was inclined, for her sake, to play fast and loose with the Protestant sentiment of the nation, and she it was who helped most of all to inveigle him into those dealings with the Catholic Irish and the Catholic foreign powers, which riled his English and Scottish subjects so deeply. Even Henrietta Maria, however, urged him to give way on the religious question that kept him so far apart from his Puritan subjects. She sent a second French diplomatist of higher status than Montereul, the ambassador Bellièvre, in July, to try his art on English parties, but she sent along with him the entreaty to concede Presbytery and, temporarily, the militia. Charles was immovable. How could he concede Presbytery without surrendering monarchy? It was a one-sided conclusion, yet nothing would persuade him that Presbytery and monarchy could consort together. "I assure thee," wrote he

on 17th October in answer to the queen's reiterated arguments in favour of concession, "that the absolute establishment of Presbyterian government would make me but a titular king. For thou must understand that the difference between the two governments (Episcopal and Presbyterian) is one of the least disputes now among us, even in point of religion, for under the pretence of a thorough reformation (as they call it) they intend to take away all the ecclesiastical power of the Government from the crown and place it in the two Houses of Parliament. Moreover, they will introduce that doctrine which teaches rebellion to be lawful, and that the supreme power is in the people, to whom kings ought to give account and be corrected when they do amiss."

Still more ineffective were Henderson's arguments in favour of Presbytery and the Covenant *versus* Prelacy. Charles was almost as great an expert as his father in matters of ecclesiastical polity. Not only was it a case of no bishop, no king, over again; Episcopacy was to him as much a divine institution as Presbytery was to Henderson. It was, in truth, a case of one fanaticism against another, and Charles was, in this point, if possible, the more fanatic of the two. The discussion was, however, carried on in a dignified and even an amicable spirit. Charles appealed to history, tradition, and the Bible in defence of the Episcopal order, and instanced the obligation of his coronation oath to maintain it. Henderson denied his inferences from Scripture, and insisted on the pristine parity of presbyters. He told him very forcibly that his coronation oath did not bind him to resist all change. Otherwise legislation in opposition to old laws would be impossible. "When the Parliaments of both kingdoms have covenanted for the abolishing or altering of a law, your majesty's oath doth not bind you and your conscience to the observing of it; otherwise no laws could be altered by the legislative power."

In regard to more mundane points his only expedient was procrastination. He would simply stave off extremities in the hope of wriggling out of a straightforward agreement. For the present "the best put-off" he could think of was, as he wrote to the queen on the 24th June, the proposal to go to London to negotiate directly with the Parliament. When,

therefore, the Parliamentary Commissioners at last arrived at Newcastle in the end of July with the propositions, he avoided giving "a flat denial," and took refuge in the offer of a journey to London. He knew well enough, as he told the queen, that his request would be refused, but he would gain a few weeks' delay. He knew, too, that he was risking the alternative, that the Scots would retire and leave him to take his chance. He would take the risk. With all the equanimity of the visionary he was steering straight on the rocks. From this fate the Scottish Commissioners on bended knees implored him to save himself by offering to accept at least the modified propositions which they had formerly authorised Sir R. Moray to send him through Montereul. Charles preferred procrastination, and professed the usual platitudes of doing everything possible "for the good and peace of his people" when he should arrive in London!

To the Parliamentary Commissioners this was mere juggling. Both the Parliament and their Scottish allies were now of opinion that he had been allowed long enough to indulge in generalities of this kind. It was time to proceed to business, and business meant, primarily, the withdrawal of the Scottish army, which had accomplished what it had undertaken, viz., the efficacious assistance of its allies; secondly, an understanding as to what should be done with the king. Accordingly, the Scottish Commissioners, on the 12th August, offered, in view of the royal refusal to accept the propositions, to remove their army on the satisfaction of their claims—a portion to be paid before withdrawal, the remainder as should be agreed on. In doing so, they expressed a hope that the Parliament would vindicate the honour of their nation from the "execrable aspersions" cast upon it by partisan pamphleteers and others. But a week before the ill-feeling against the Scots had found expression in a resolution of the Commons that they had no further need of the services of the Scottish army, and desiring it to withdraw on the pretext of inability to pay longer for its support. Not a syllable about arrears of pay or gratuity, as stipulated in the treaty. The collapse of the peace negotiations disposed the majority to take a more equitable view of their obligations, and on the 14th they passed an ordinance by 130 to 102 votes

to punish the printers and authors of scandalous reflections on the Scottish people. They added a resolution to offer £100,000 on the withdrawal of the army, and undertook to pay whatever arrears should be found due according to treaty. The Scottish Commissioners demurred, and handed in a claim for £1,300,000. This they agreed to reduce to half a million after some days' bargaining, and ultimately, after further haggling, accepted £400,000 which the Commons voted on the 1st September. Half of the sum should be paid before the withdrawal of the army, the remainder in instalments extending over a couple of years.

The other question, What to do with the king? was by no means so expeditiously settled. The Scots redoubled their efforts to persuade Charles of the necessity of giving way. A special deputation sent by the Scottish Estates in the beginning of September, and headed by the Duke of Hamilton, pleaded and argued in favour of the propositions. Charles merely reiterated his desire to go to London, and added a visionary suggestion that Episcopacy should be allowed to stand in the south-western dioceses. This merely meant that Episcopacy should have a chance of maintaining its hold on the nation till he should be strong enough to overturn the rival system in its favour. The proposal was, therefore, utterly untenable, and only showed that a satisfactory settlement was as hopeless as ever. Moreover, the money question settled, the Parliament was not disposed to tolerate Scottish interference in the matter. On the 18th September, the Commons voted, and the Lords concurred in, the claim to dispose of the person of the king as both Houses should see fit. If they thought good to consult the Scottish Commissioners further in the matter, their doing so should afford no pretext for delaying the march of the Scottish army. Against this decision the Commissioners vigorously protested. In a number of speeches to a committee of both Houses, Loudon claimed that the decision of the question should depend on the consent of both Parliaments. He appealed to the Solemn League and Covenant. He insisted that the question affected Scotland as well as England. He argued that as Charles was King of Scotland as well as England, if the English should resolve to depose him and

the Scots retain him as their king, war between the two nations would be inevitable. He even put in a plea for allowing the king to come to London, and trying the efficacy of a personal discussion. He alleged the obligation that lay on the Scots, not to surrender the king, who had sought their protection, without being assured of his safety.

To all which the Houses answered that they had an undisputable right to dispose of the fate of the King of England, who had warred against his English subjects, had been worsted in the struggle, and having refused the terms offered him, must submit to their judgment. They denied that the Covenant gave the Scots a right to interfere in the internal concerns of England. They refused to sacrifice English independence to such a construction, and they resented the imputation that the English Parliament could not be trusted to deal fairly with the king. Would the Scots consent to such a claim if made by England in regard to Scotland? From this position no amount of argumentation, protracted throughout September and October, would move them, and the Scots had to face the question whether, if Charles remained obdurate, they would give him up to the Parliament, and eschew all further interference on his behalf. The money question being settled, their duty, according to the Parliament, was to hand over their prisoner and march across the Border.

Unfortunately, Charles did not help to get them out of their dilemma by offering any feasible terms beforehand. The repeated rebuffs of his overture to go to London at last wrung from him (12th and 15th October) the concession of Presbytery for three or five years, and the militia for ten years. Neither the Parliament nor the Scottish Commissioners would entertain the offer. In this deadlock the voice of the Scottish Estates spoke the decisive word. Under the manipulation of Argyll, and in deference to the demand of the General Assembly, they annulled, on 17th December, a resolution passed under Hamilton's influence on the preceding day in favour of maintaining the king's just title to the English throne, &c., and required him to accept the Newcastle Propositions pure and simple. Otherwise, he must take the consequences in England, and give up all hope of finding

a refuge in Scotland. Even if the English Parliament were to depose him, Scotland would not interfere to prevent it, he having refused the Covenant, the establishment of Presbytery, and the other propositions submitted to him. The Scots would, indeed, continue the Government without his co-operation. If, despite of these conditions, he ventured into Scotland, he would be treated as a prisoner.

These consequences Charles, as the result of his policy of procrastination, had now to face. On the 26th January 1647, the Scots surrendered him to the English Parliamentary Commissioners. Four days later they began their march homeward from Newcastle.

Their conduct has been subjected to the bitter reproaches of Royalist critics. In their view they first inveigled the king into their clutches, and then basely sold him to his enemies. This charge has been repeated from generation to generation by Charles' sympathisers, or rather worshippers, and still passes current in the pages of partisan writers. Their judgment is largely influenced by sentiment, and sentiment is not the best guide to the truth in this matter. These partisan writers overlook the fact that the question of the payment of arrears was merely incidental to the question of Charles' fate. It is pure bias, or sheer trickery, to mix up the two in order to make it appear that the motive of the Scots in this transaction was to make money out of Charles' person. The question of payment ran for a time parallel with the negotiation between the king and the Parliament, owing to the reluctance of the latter to face its treaty obligations. But it was settled nearly three months (viz., on the 1st September 1646) before the negotiation for the surrender of Charles was begun (viz., on the 24th December). The Scots had, in fact, been pressing the Parliament for payment long before Charles put himself in their hands. The Parliament had been unable to fulfil its obligations, and had at one time shown a disposition to bundle the Scottish army across the Border without so much as a vote of thanks for its services. The Scots were by no means inclined to submit to these shabby tactics. They insisted, with ample justification, on the settlement of their claims, and rabid Royalist partisans would presumably have done the same in the circumstances.

As long as they remained on English soil they had a substantial argument in support of the discharge of the bill which the Parliament had unequivocally undertaken to pay. The Commons, under the influence of the Independent party, had already twice coolly bidden them begone without even thanks (19th May and 6th July 1646). Once across the Border, it was very questionable whether they would be disposed to take a more just or generous view of their obligations. The Scots would, indeed, have been singularly ingenuous had they refrained from mooting the money question, for fear of being charged as mercenary traitors. They had espoused the cause of their allies with a fervour equal to that on the other side; they had richly earned their stipulated expenses in so doing. They were in great straits by reason of the failure of the Parliament to pay them; there was little chance of their seeing their money if they went without it.

Charles' surrender was due not to the allurement of English gold, but to the impossibility of finally arranging terms such as the Scots and their allies could accept. Up to the last moment they had done their utmost to wring from him a feasible reconciliation, and Charles evidently knew before entering the camp at Newark that he would have to yield their demand for the establishment of Presbytery. On this point they were inexorable, and while entreating him to comply, repeatedly warned him that, in the event of refusal, they would be compelled to leave him to his fate. The correspondence of the French diplomatists and other documents allow of no dubiety on this point. Charles' obstinacy made, in fact, his surrender inevitable.

But, urge the partisans, had they not undertaken to secure the king's person and honour, and did they not, in handing him over to the Parliament, surrender him to certain dishonour and ultimate destruction? They doubtless kept him in restraint; they could hardly, in the circumstances, separate the king from the fugitive; nor could Charles expect to be as free at Newcastle as he had been at Oxford. They could not, for political reasons, leave him to do absolutely as he pleased, and if they pestered him with the religious question, it must be remembered that both for him and for them the religious question was the crux of the situation. And in

handing him over to the Parliament they had no reason to be apprehensive for his safety. In their anxiety on this point they had long maintained their right to an equal voice with England on the question of his fate. Their insistence had given offence to their allies, because it involved the imputation that Charles would not be safe in their hands. They failed to convince the Parliament of the force of their claim, and they desisted after a lengthy contention. After all, the quarrel in which they had intervened was a quarrel between Charles and his English subjects, and the argument that it was for the English Parliament to say what was to be done with the King of England in England was, on national grounds, a strong one. But they did what was possible for them to do to ensure that his safety would not be jeopardised by his surrender. They demanded specific guarantees on this point from the Lords and Commons, and both assured them that they might rely on their integrity.

But should they not have allowed the king to retire with them to Scotland? Impossible. The Scottish Parliament could not sanction such a step in the face of their treaty engagement with that of England and the opposition of the General Assembly. To have done so, as Hollis points out in his Memoirs, would have been equivalent to a declaration of war between the two nations. This was exactly what Charles wished. "In regard to the king's resolution to retire into Scotland with the Scottish army," wrote Montereul on 10th January 1647, ". . . he hopes to derive certain advantages thereby. For instance, his presence there will encourage his friends to seek means to re-establish him; he will be able more easily to escape there than by remaining in England, and he will by his presence cause strife between the two nations." It was certainly not for the Scots to gratify his wish.

SOURCES.—Lords' Journals, vi.; Commons' Journals, iv.; State Papers (Domestic), 1644-45, edited by Hamilton; Rushworth, v. and vi.; Whitelocke, Memorials; Cromwell's Letters and Speeches; Parliamentary History, iii.; Clarendon's History; Manchester's Quarrel with Cromwell, edited by Bruce and Masson for the Camden Society (1875); see

also an important Letter of Manchester accusing Cromwell of insubordination, &c., in Camden Miscellany (1883). For the military operations see the Fairfax Correspondence; Ludlow's Memoirs; Hutchinson's Memoirs; Sprigg, Anglia Rediviva—England's Recovery, being the History of the Motions, Actions, Successes of the Army under Fairfax, by Thomas Sprigg, Fairfax's chaplain (original edition, 1647, recent edition, 1854); Ormonde Letters and Papers. For Montrose's campaigns, Wishart (Montrose's chaplain), Memoirs of Montrose (1819); Baillie's Letters, ii.; Spalding, History of the Troubles in Scotland; Guthry, Memoirs; Turner, Memoirs (1829); Patrick Gordon, A Short Abridgement of Britain's Distemper; Mark Napier, Memoirs of Montrose, ii. (1856)—the work of a partisan pure and simple, though showing great research. Gardiner, History of the Great Civil War, ii.; Firth, Cromwell; Terry, Life of Alexander Leslie; Warburton, Rupert, ii. and iii.; Markham, Fairfax.

For that part of the narrative relating to the negotiations for Charles' surrender to the Scots, &c.—Lords' Journals, vii. and viii.; Commons' Journals, iv. and v.; State Papers, edited by Hamilton (1645-47); Acts of the Parliament of Scotland, vi.; Rushworth, vi.; The Diplomatic Correspondence of Jean de Montereul and the brothers De Bellièvre, edited by J. G. Fotheringham for the Scottish History Society, i. (1898). This correspondence is of capital importance for the relations of Charles and the Scots and for the Newcastle negotiations. Montereul and Bellièvre, being imbued with the absolutist maxims of the school of Richelieu, were not, however, particularly fitted to appreciate the independent attitude of men like the Scots towards their king, and they were too apt to see treachery in actions that would not square with their own feelings of servile loyalty or that upset their diplomatic calculations. Letters of Charles I. to Henrietta Maria in 1646, edited by Bruce, Camden Society (1856); The Nicolas Correspondence in Evelyn's Diary, edited by Bray, iv. (1852); The Hamilton Papers, edited by Gardiner, Camden Society (1880); A Secret Negotiation with Charles I., 1643-44, edited by Mrs Gardiner for Camden Society (1883), in the form of letters relative to early Independent intrigues with the king. See

also for the influence of the queen on Charles, besides the Memoirs of Madame de Moteville, her delineation of the queen's character, written for the guidance of Bossuet, and edited by M. Hanotaux for the same Society. Baillie's Letters, ii. and iii.; The Papers which passed between his sacred Majesty and Mr Alexander Henderson, concerning the change of government, in appendix to Aiton's Life of Henderson and in Reliquiæ Sacræ Carolinæ (1657); Carte, Life of Ormonde, for Charles' letter to Digby of 26th March 1646; Clarendon State Papers, ii., ed. Scrope (1773), for negotiations with Scots; Gardiner, History of the Great Civil War, iii.; Ranke, History of England, ii.

CHAPTER XX.

Toleration—Church versus Sect—Religious and Intellectual Liberty (1643-47).

Was Presbyterianism a clerical tyranny, as both its Episcopal and Independent opponents asserted? Not necessarily. The Presbyterian government was not a tyranny in the sense that the one-man government of the bishops was. Under that government the clerical element was balanced by the lay. In all the Church courts the elder had a vote as well as the minister, and as the elders were the nominees of the congregations, the people as well had a voice in ecclesiastical affairs. As a system it is, therefore, unjust to call the Scottish Church government a clerical tyranny. On the other hand, the influence of the ministers was naturally predominant in the Church courts, and practically, if not theoretically, it largely depended on the character and opinions of the clergy whether the system should tend to a moderate or immoderate use of ecclesiastical authority. Unfortunately it did tend under clerical influence to the repression of both religious and intellectual liberty. The conflicts of the Reformation and post-Reformation periods had hardened men's views of both doctrine and polity, and the outcome of the conflicts and controversies of nearly a hundred years was not to mitigate, but to deepen, both prejudice and principle. Representative Presbyterians of the type of a Baillie—and he a scholar and the Principal of a Scottish university—were narrow zealots in both doctrine and polity. Their confession of faith was the sum of all theological truth, and dissent from it was not only an error, but a crime. Their system of Church polity was divinely established, and no other system, whether Episcopal or Independent, could be tolerated. They inveighed as fiercely against Anabaptists and other sectaries as against

bishops. Nay, what was imperative in Scotland was also imperative in England. Hence the questionable policy of a religious as well as a political alliance with the English Puritans.

To a section of these Puritans this twofold alliance was welcome. The Anglican Church was, indeed, Calvinist in doctrine, and since the beginning of Elizabeth's reign there was a considerable section of the clergy which favoured the Calvinist Church polity as well. Among those who opposed the bishops in the reigns of James and Charles were many who did so not merely because of the abuses of prelatic government, but because, like Cartwright and Trevor at an earlier time, they believed in Presbytery as opposed to Prelacy. It found, as we have seen in a previous chapter, a strenuous literary protagonist in the pamphleteer, Leighton, one of Laud's victims; and Leighton's fellow-sufferer, Prynne, was as ardent a crusader in its behalf as he was against stage players and the Prayer Book. In the Commons the large majority of the Root and Branch party were ready to substitute the government of presbyters, somewhat after the Scottish model, for the government of bishops. Even Cromwell was at this period sympathetic. London under the auspices of the Long Parliament was overwhelmingly Presbyterian, and in other large cities, and more particularly in the eastern counties, the Root and Branch policy could count on a majority of adherents. Laud's coercive methods and the Presbyterian revolution in Scotland had together sown the seeds of the ecclesiastical reaction which blossomed into the Clergy Disabilities Bill, the Westminster Assembly, and ultimately the ordinance establishing Presbyterianism.

At the same time the Lords and Commons believed in the supremacy of Parliament as opposed to the royal supremacy, and they were not willing to go the length of acknowledging the independent jurisdiction of the Church in spiritual things as claimed and vindicated in Scotland. They feared, and not without some justification, that an ecclesiastical government such as the Scots desired to introduce, would tend, to quote D'Ewes, to establish "such a tyrannical power as the bishops had." For this apprehension the Scottish Presbyterian clergy had themselves to blame. Theoretically, Presbytery might

be a democratic system, but the aggressive clerical spirit did tend, in practice, to oppression and intolerance. Besides, England was not Scotland. The triumph of Presbytery in Scotland had been a national triumph. The Presbyterian ministers had a hold on the bulk of the nation, whose interests they had championed against an arbitrary, unnational policy. They had maintained a long and valiant fight with absolutism, and they had won in the end. They deserved to win, and they had, on the whole, the national sympathy on their side. Other influences contributed, such as aristocratic discontent; but, on the whole, the heart of the Scottish people went with their ministers in the battle for Presbytery and the constitution. Very different was the case in England. Here a very large section of the people was wedded by tradition and training to the very system that the Scots had uprooted, and even among those who sympathised with the Scots on ecclesiastical and political grounds there was no disposition to accept *carte blanche* an alien ecclesiastical constitution. The most they would heartily accept would be a modification of it. Even Prynne, the most indefatigable of its pamphleteer champions, would have nothing to say to divine right Presbytery. The sovereign power of Parliament, he insisted in one of these effusions, must be preserved over the Church. Presbytery should become the national polity, but while granting it a monopoly of ecclesiastical privilege and repressing sectaries of all kinds, Parliament must take care to preserve its own supremacy against clerical independence, ecclesiastical autonomy.

Moreover, there was a section of the Parliamentary majority whose opposition to Episcopacy was actuated by an even more thorough-going reaction against ecclesiastical tyranny than that represented by a Prynne, and who championed liberty for the congregation and the individual conscience against any sort of corporate ecclesiastical jurisdiction, whether Presbyterian or Episcopal. They substituted, in fact, the congregation and the individual for the Church. Brownists, Barrowists, Anabaptists, Separatists, was the name by which they had been distinguished in Elizabeth's reign. Whitgift and the High Commission had suppressed their meetings, hanged their leaders, and driven the stauncher

section of their followers across the North Sea to Holland. In the reign of James a number of them had ventured back to England, and a couple of congregations had managed to subsist in London till the zealous vigilance of Laud discovered and suppressed them. But Laud could not stamp out the Separatist spirit, and the meetings of these doughty sectaries are traceable in London, in some of the eastern counties, in South Wales, and more particularly in Bristol, throughout the coercive Laudian régime. That régime succeeded, indeed, in swelling the tide of emigration across the Atlantic, begun by the Pilgrim Fathers in 1620. New England became the foster-mother of the Puritanism proscribed in the Old, and this Puritanism was largely of the Separatist type. It was from New England that men like the younger Vane (for some time Governor of Massachusetts), Roger Williams, Hugh Peters (the New Model chaplain), Henry Robinson, Hanserd Knollys, came back to become the leaders of that Puritan reaction so fatal to both Charles and Laud. By the year 1644 their adherents had become a distinct party in Parliament under the name of Independents, with men like Harry Vane, Cromwell, St John, to lead them, and they were as hostile to the Covenant and the Presbyterian system, though on different grounds, as Charles and Laud themselves. There was considerable variety of theological opinions in this party. A section of the Brownist, Separatist, or, as they were now generally denominated, Independent exiles, first in Holland, and then in New England, were so reactionary as to regard the Church of England as anti-Christian, and to renounce all communion with it. Its original prophet was John Smyth, founder of a congregation at Leyden and a champion of Baptist views. This section constituted the ultra-revolutionary wing of the ecclesiastical reaction. A larger section, whose prophet was John Robinson, the founder of another Leyden congregation and organiser of the Pilgrim Fathers' expedition, was less extreme. It recognised the Church of England as a Christian Church, and in doctrine it was rigidly orthodox. It avoided all theological vagaries usually denominated Anabaptist. But it objected to bishops and all ecclesiastical organisation that was not voluntary and completely autonomous. Episcopal and synodical authority was alike un-

scriptural and objectionable. The members of each congregation were entitled, through their office-bearers, to rule themselves, and in the last resort were the supreme authority. "This we hold and affirm," wrote Robinson, in a "Justification of Separation" (1610), "that a company consisting though but of two or three, separated from the world, whether un-Christian or anti-Christian, and gathered into the name of Christ by a covenant made to walk in all the ways of God known unto them, is a Church, and so hath the whole power of Christ. . . . That this company, being a Church, hath interest in all the holy things of Christ, within and amongst themselves, immediately under him the Head, without any foreign aid and assistance. . . . In the Church the officers are the ministers of the people, whose service the people is to use for the administering and executing of their judgments, that is for the pronouncing of the judgments of the Church . . . against the obstinate, which is the utmost execution the Church can perform. . . . And as the people's obedience stands not in making the elders their lords, sovereigns, and judges, but in listening to their godly counsels, in following their wise directions, in receiving their holy instructions, exhortations, consolations, and admonitions, and in using their faithful service and ministry, so neither stands the elders' government in erecting any tribunal, seat, or throne of judgment over the people, but in exhorting, instructing, comforting, and improving them by the Word of God."

Very unlike, this, both to Prelacy and Presbytery. The government of the bishop and the government of the Presbytery or Assembly are alike usurpations unknown to the New Testament. It is not sufficient, in reforming the Church, to root out Prelacy. The Puritans must eradicate all ecclesiastical organisation that is not simply congregational. The representatives of these congregations might, indeed, assemble together for edification, but they possess no legislative authority, and their decisions are not binding on individual congregations except as far as they choose to accept them.

As compared with the Presbyterians, these Independents were, in the early days of the Long Parliament, but a small faction. Nevertheless, they were not the men to hide their light under a bushel now that the fall of Laud gave them the

opportunity to testify to the truth that was in them. The debate of the question of a further reformation was not confined to the benches of the Lords and Commons, as the plethora of petitions and pamphlets shows. Among these effusions were some of a distinctly independent tone. While Prynne, for example, entered the lists as a champion of Presbytery, his old fellow-sufferer, Burton, stood forth to proclaim the tenets of Brown and Robinson. In "The Protestation Protested," he claimed that Parliament, in reorganising the national Church, presumably on Presbyterian lines, should at least recognise the right of dissenting congregations to a separate existence. If Parliament would set up a national Church in place of that prelatically governed, it might do so. But it ought not to force conformity to this national Church on those who, like Burton, believed that the true Church consisted of congregations of the visible saints, owing subjection to no one but Christ. He, therefore, asked that "a due respect be had to those congregations and churches which desire an exemption." Parliament showed its appreciation of this plea for dissenting liberty by imprisoning the printer of the pamphlet in the summer of 1641, but the opinionated Burton, it soon appeared, expressed the aspirations of many other singular persons as well. He found able supporters, more especially in some of the exiled ministers from Holland and New England. From Holland came, among others, Thomas Goodwin and Philip Nye; from New England Hugh Peters, Thomas Welde, and others to join issue with Presbyterians like Thomas Edwards.

To these Presbyterians and their Scottish henchmen, such toleration as Burton claimed was equivalent to ecclesiastical anarchy, dangerous alike to order and sound doctrine. When the two parties came face to face in the Westminster Assembly in July 1643, there was bound to be repulsion and contention. The Independents were, it is true, an insignificant minority. Their divines numbered but five out of fully one hundred, and these were returned refugees from Holland, of whom Thomas Goodwin and Philip Nye were the leaders. Among the lay members they could only count on the active sympathy of a few friends of toleration, like the younger Vane and Lord Say and Sele. There might be shades of difference of

opinion in the ranks of their opponents—Erastian lawyers, for instance, like Selden, Whitelocke, Oliver St John, who disliked clerical autonomy and insisted on the supremacy of Parliament even in ecclesiastical affairs. The vast majority, lay and cleric, was, nevertheless, in favour of an enforced form of government on the Calvinistic model, and strenuously opposed the toleration of sects, of whatever texture, outside the national Church which they had met to fashion in the mould of laborious debate.

Not that there was unanimity on many important points even on the side of the majority. The party spirit as well as the intolerant dogmatism of the Assembly is clearly reflected in the letters of Baillie, who, with Henderson, Gillespie, Rutherford, and a couple of elders, represented the Scottish Church. It would be guileless, indeed, to think of the Assembly as a Council inspired solely by the Spirit of God, and decreeing the truth in these matters merely in deference to the Divine will. It had met in obedience to the command of Parliament to settle a controversy that had raged in England for eighty years, and the wonder is that it managed to reach any conclusion at all. That it did so was owing, not merely to its industry in discussion and prayer, but to the proficiency of some of its leading members in the arts of intrigue and political management. Baillie, while indulging in the unctuous phraseology characteristic of the ecclesiastical politician, reveals to us in his own artless fashion the stratagems and little plots which often disarmed an opponent or prevented an explosion. It was by dint of these little plots and stratagems, as much as by prayerful debate, that the Assembly finally routed the Independents, and enforced its own intolerance as a substitute for that of Laud on the English nation.

In the earlier stages of its history there was indeed an inclination, from political motives, to treat the Independent opposition with some consideration. "It was my advice" (to the Assembly), wrote Baillie in December 1643, "which Mr Henderson presently applauded, to eschew a publick rupture with the Independents, till we were more able for them. As yet a Presbyterie to this people is conceaved to be a strange monster." Nor would it do to alienate, in the

unpropitious state of the Parliamentary cause at this date, the leaders of a party which, however insignificant in the Assembly, was strongly represented in the army. "With Independencie," reported Baillie in the same month, "we purpose not to meddle in haste till it please God to advance our armie, which we expect will much advance our arguments." Whilst thus waiting on fortune, the Assembly professed in a Declaration, of date 23rd December, a desire to forbear with those "whose consciences cannot in all things conform to the public rule," as far as God's Word would allow it to do so. As the debate proceeded, however, the rift between the two parties inevitably widened, and Baillie's tone becomes correspondingly acrimonious and hostile. The Independents had the temerity (in our reporter's eyes) to appeal from the Assembly to Parliament in an "Apologetical Narration" (January 1644), in which they recorded their history and asserted their principles in vindication of their opposition, and asked for at least a toleration in their native land equal to that which they had received as exiles in Holland. Surely a most reasonable request. Such was not, however, the view of the Presbyterian majority, who resented the "Narration" as an attempt to prejudice them in the eyes of the Parliament and the nation, as well as an unsound testimony. Accordingly, it both sharpened the debates within and accentuated the pamphlet warfare outside. The suspicion that some of their adherents were sounding the king at Oxford as to the possibility of a toleration alongside an Episcopal, instead of a Presbyterian national Church, did not tend to allay the rising irritation. It was becoming clear, too, that Independency was a wide word, and that to tolerate it would be to open the door to all manner of sects. A variety of sects—Baptists, Antinomians, &c.—was in fact already striking root in the land. They had their votaries in the army, and if this army of sectaries should prove victorious under the leadership of a Cromwell, what would become of the Solemn League and Covenant and a Presbyterian establishment? The prospect of an access of sectarianism was as appalling to the Presbyterian as it had been to the Laudian imagination. In the slow progress of debate, of which Baillie complains, the eagerly looked for parturition of Presbyterianism might be

strangled in the act. "The unhappie and unamendable prolixitie of this people in all their affairs," lamented he, "except God work extraordinarilie, is like to undo them. They can put nothing to any point either in Church or State; we are vexed and overwearied with their ways."

Again and again the demand for liberty of conscience, the spectre of sectarianism, added to this vexation. John Goodwin (not Thomas, the refugee returned from Holland), vicar of St Stephen's, London, and one of the most obnoxious of these vexatious people, was, it seems, proving "a bitter enemie to Presbyterie, and is openly for a full liberty of conscience to all sects, even Turks, Jews, Papists" (May 1644). Again in September: "That partie grows in strength and courage. . . . The great shott of Cromwell and Vane (*apropos* of Cromwell's Accommodation, or Toleration Order, accepted by the Commons) is to have a libertie for all religions, without any exception. . . . God help us!" Later (February 1646): "We have had many bickerings with the Independents in the Grand Committee about ane indulgence for their separate congregations. We have spent many sheets of paper on both sides. . . . For this point both they and we contend *tanquam pro aris et focis*."

The Assembly, it may be said, could hardly help being intolerant, and, from the practical point of view, it certainly was not easy to admit the Independent demand to be allowed to hold charges in the national Church without accepting its organisation. Moreover, their claim to exclude from Church membership all persons who did not satisfy them in the point of regeneration might lead to a pharisaical tyranny worse than that involved in the exercise of Presbyterian discipline. They held, too, certain dogmas, such as predestination, which were essentially intolerant in the sense that they tended to aggravate the narrowness of the theological spirit. Nevertheless, their adherence to toleration as a principle was infinitely to their credit, and if the Presbyterians had read Calvin less and Christ Himself more, they would have learned that belief in this principle was not the heresy that they took it for. The spirit of a Goodwin was, in this particular, much more in accord with that of Christ than the superciliously intolerant spirit so typically represented by a Baillie. Un-

fortunately, despite strenuous Independent obstruction, it was this spirit that triumphed with the triumph of the dominant party in the Assembly. In January 1645, the Lords and Commons adopted, as a substitute for the Prayer Book, the Directory of Worship, to which, as well as to the Confession of Faith, the Independents gave their concurrence, and the New Frame of Church Government, as a substitute for Episcopacy, to which they staunchly objected. The English Church thereby became officially Presbyterian, with parochial, presbyterial, and synodical courts, and a national or General Assembly supreme over all. Scotland and England were ecclesiastically one, the Scottish Parliament and General Assembly having immediately ratified both Directory and Frame of Government.

Nevertheless, neither the Assembly at Westminster, nor the English Parliament, let alone the English people, had by any means spoken the last word in the controversy. In both Parliament and Assembly there were hot contendings as to the jurisdiction of this Presbyterian organisation; in both the question of toleration would ever and anon force itself into discussion, whilst outside, in the nation at large, it raged with a fury second only to that of the more terrible conflict in the field. The Parliament, as Baillie lamented, was full of Erastians, and in these Erastians the Independents found ready co-operators in the task of, at least, limiting Presbyterian jurisdiction by Parliamentary supervision and supremacy. They were by no means disposed to accept the dogma of the divine right of Presbytery, or to invest in the Presbyterian clergy a jurisdiction, even in spiritual things, independent of the State. "The most of them," again notes Baillie disconsolately on the 17th March 1646, "are incredibly zealous for it (the supremacy of Parliament). The pope and the king were never more earnest for the headship of the Church than the pluralitie of this Parliament." The champions of the Parliamentary headship would not hear of the prerogative of Christ in the sense of clerical independence, and they succeeded in inserting an enactment in an ordinance sanctioning the details of the Presbyterian organisation, of date 14th March 1646, directing the appointment of Parliamentary commissioners to take cognisance of, control the

exercise of discipline in all congregations. Nay, they even succeeded in getting a remonstrance from the Assembly against this enactment voted a breach of the privilege of Parliament, and as the result of this vote, its obtrusive members were sharply told not to presume to interfere in legislative matters on which their opinion was not asked. As to the point in question, they were further told by the Commons in a Declaration that Parliament could not "consent to the granting of arbitrary and unlimited power of jurisdiction to nearly 10,000 judicatures to be established in this kingdom." Not only so; they were informed, in addition, that Parliament reserved the right to consider what amount of toleration might be granted to "tender consciences that differ not in fundamentals of religion." "The Parliament," said Fiennes on presenting this rebuke to the Assembly, "doth not pretend to an infallibility of judgment, and the Parliament suppose that this Assembly will not do so neither. If, therefore, the question be but of a human judgment, subject to error, . . . they must and do claim privilege that they have the supreme judgment in making laws. . . . Why would you have, as it were, the last word of a Parliament?"

Evidently the friends in Parliament of the small Independent minority in the Assembly were sufficiently powerful to secure them at least protection from Presbyterian persecution. In June, indeed, after Argyll's speech on the necessity of harmony and respect for the consciences of pious and peaceable men, these Erastian sympathisers of the Independents so far lost their predominance in Parliament as to submit to a modification of the enactment anent the Parliamentary Commissioners. In deference to the Presbyterian opposition, the Commons consented to appoint one Commission for the whole kingdom, instead of local commissions in each parish. Even so, they maintained the principle of the dependence of the ecclesiastical on the civil jurisdiction.

So far the Parliament had both vindicated its own ecclesiastical supremacy and left a loophole for a toleration of which it was to be itself the judge. How small was the loophole which the Erastian legal mind would concede may be judged from the terrible ordinance against blasphemy,

proposed on 2nd September 1646. For this atrocious proposal the aggressive spirit of the more incontrollable sectaries, like Lilburne, on the one hand, and the dour dogmatism of Presbyterian divines, on the other, were responsible. The Commons, it seems, in the exercise of their supreme headship, were prepared to sentence to death any one who denied the doctrines of the Trinity and the Incarnation, and to imprison for life those who inveighed against Presbytery and infant baptism. Happily, in the press of other business, their bloodthirsty zeal did not in the meantime go further than a second reading, and a reference of the terrible edict to a Committee.

In their treatment of Laud, the Lords and Commons had already given a foretaste of what their ecclesiastical headship meant for those who presumed to differ from them in ecclesiastical matters. As in the case of Strafford, Laud was arraigned on a charge of high treason, but, as in Strafford's case, the Lords refused to see high treason in the crimes laid to his charge. Once more their respect for constitutional form drove the Commons to seek an expedient in an ordinance of attainder, and once more their insistence hustled the Lords into compliance (4th January 1645). Six days later, Laud's head rolled on the block. The old archbishop, like Strafford, died because he was the representative of a system which his opponents hated with a perfect hatred. For the convulsion arising from his abuse of ecclesiastical power, he had his own share of responsibility, and from this standpoint his punishment was not altogether indefensible. The plea of moderation might, nevertheless, well have been allowed to at least leave him to languish out his old age behind the bars of the Tower. Moderation is, alas, not the virtue of a revolutionary age, and Laud could hardly expect to experience the benefit of a virtue which his own arbitrary and domineering spirit had done so much to discredit. He was at last brought to bay before the intolerant spirit which the hatred of the man and his system had steeled in the hearts of Presbyterian and Independent alike. The man who persisted in enforcing his will on those who differed from him with fine, imprisonment, mutilation, ran the risk of the scaffold when the fortune of war had given his victims the

power to execute vengeance on his aged head. Mingled with their resentment and their sense of justice, there was, unfortunately, a strain of rabid intolerance, not by any means consistent with their protestations against tyranny. In the strange vortex of events, Laud died, indeed, as the victim of that spirit of bigotry which his own intolerance had only fanned, instead of mitigated. Puritan dogmatism, as well as the Puritan aspiration of liberty, found in him its atonement. In his last utterances on the scaffold, he prayed God to confound the devices of his enemies and to restore legal government and liberty to his distracted country. In a sense he prayed aright; he forgot to confess that he himself, by his aggressive régime, had done his best to bring things to this pass, and he died as the victim of that intolerance which he had thus done his utmost to conjure.

It is sufficiently apparent, then, that there was not much to choose from, in the matter of real toleration, as between Assembly and Parliament. It is usual for the historians to decry the Presbyterian system as essentially intolerant, and to show the expediency of a Parliamentary supremacy over the Church in the interest of true liberty. It is customary, on the part of English historians in particular, to dwell on the more moderate tone of Episcopacy as compared with this bigoted system. It is, further, usual on the part of Independent champions to denounce both Episcopacy and Presbytery as equally tyrannical, and to claim for their side a monopoly of true liberty. Alas, true liberty in this age could claim a real patron in no party, whether Episcopal, Presbyterian, Independent. What Episcopacy meant for the Nonconformist conscience the Laudian régime, thus truculently avenged, had amply shown. What Presbytery was to mean for both the Episcopal and the Independent conscience might be concluded from the deliverances of the Assembly. What any dissenter whom the Parliament chose to persecute might hope from a Parliamentary-Presbyterian supremacy was amply apparent from the proposed ordinance against blasphemy. What even under the auspices of the Independents liberty of conscience might apprehend was proved by the persecution of dissent in the New England colonies. At this period each party was only too ready to persecute in

turn, when it had the power, and there is no reason whatever for the judgment of many English historians, of various persuasions, that intolerance was an essential characteristic of Scottish Presbyterianism in contrast to other systems. Persecution was the prerogative of every party and system in power, whether in the England of Charles I. and Laud, or the New England of Puritan refugees, or in the Scotland of Henderson and Argyll, or in the distracted England of the Long Parliament and the Westminster Assembly.

Was there, then, no possibility, in this convulsed age of party and system, of the advocacy of something approaching at least true toleration, real liberty? Certainly not at Westminster, or Oxford, or Edinburgh, or Boston may we hope to find it. May we, then, look for it in that sphere where Cromwell was supreme, in that army of Ironsides where it was sufficient to be a faithful and valiant soldier in the great cause of Roundhead against Cavalier? Here, indeed, we find the toleration of expediency at least, and in Cromwell this kind of toleration found its strenuous champion, who, in defiance of Westminster dogmatism, succeeded in obtaining from the Commons the Accommodation Order in favour of "tender consciences" in September 1644. His pleadings on behalf of the sectaries in the army have often been quoted, but some of these incisive utterances on this point will bear quotation to the end of time. "Sir," wrote he to the bigoted Major-General Crawford (10th March 1644), who had imprisoned one of his subordinates as an Anabaptist, "the State, in choosing men to serve it, takes no notice of their opinions; if they be willing faithfully to serve it, that satisfies. I advised you formerly to bear with men of different minds from yourself." Again, after Naseby, to Lenthall, the Speaker of the Commons, 14th June 1645: "Honest men served you faithfully in this action. Sir, they are trusty; I beseech you in the name of God not to discourage them. He that ventures his life for the liberty of his country, I wish he trust God for the liberty of his conscience, and you for the liberty he fights for." Later, to the same (after the surrender of Bristol, 14th September): "Presbyterians, Independents, all had here the same spirit of faith and prayer; the same presence and answer; they agree here, know no names of difference; pity

it should be otherwise anywhere! All that believe have the real unity, which is most glorious, because inward and spiritual. . . . As for being united in forms, commonly called uniformity, every Christian will for peace's sake study and do as far as conscience will permit. And from brethren, in things of the mind, we look for no compulsion, but that of light and reason. In other things God hath put the sword in the Parliament's hands for the terror of evil-doers and the praise of them that do well." Admirable words and refreshingly original, for Cromwell, in virtue of the necessity of maintaining unity in the army by recognising diversity, became the harbinger of a great idea. The idea might be too great even for Cromwell fully to grasp. He could not, for instance, bring himself to tolerate a High Church clergyman, as the insubordinate incumbent at Ely, who persisted in singing the service despite Cromwell's stern veto, found to his unpleasant experience. There could be no room in his mind for religious opinions represented by men on the Royalist side. It was not toleration in itself that he had grasped, but toleration for all and sundry who would fight in the Puritan cause—the toleration of expediency. For those who fought in the Royalist cause, expediency, from the Cromwellian point of view, leaned all the other way—towards repression and exile, if not towards the scaffold. Still, his words have a noble ring in them and show a glimmering of the future trend of things. Certainly the variety of opinion for which he asked accommodation was large enough in the circumstances. In the army, and partly in the nation, religious diversity had lately been multiplying itself with bewildering improvidence. The Presbyterian Baxter, who ventured to visit the army after Naseby and became chaplain to one of its regiments, was horrified to find not merely Independents and Anabaptists, but Antinomians and Arminians arguing and asserting their shocking tenets without the least respect for Presbyterian clergymen like himself, or even the Westminster Assembly of Divines (Dry-vines they scoffingly called them). "Their most frequent and vehement disputes were for liberty of conscience, as they called it; that is, that the civil magistrate had nothing to do to determine of anything in matters of religion, by constraint or restraint, but every man might not only hold, but preach

and do in matters of religion what he pleased." These sectaries had thus advanced beyond the old Brownists, as represented by Robinson, and the New England Puritans, who ascribed to the magistrate a certain jurisdiction over the Church. They were more in unison, in this respect, with the Baptist sectaries in Holland and their offshoot in England, whose spiritual father was John Smyth. Nay, it seems, the variety was greater than even Baxter noted. Besides Baptists and Antinomians, who most horrified the orthodox Presbyterian chaplain, we hear of our old friends of Elizabeth's reign, the Family of Love, of Seekers (still looking for the true Church), of Anti-Sabbatarians (opponents of the Sabbath), of Traskites (champions of the Jewish Sabbath), of Soul Sleepers and Mortalists (contradictory of the distinction between soul and body), of Arians, Socinians, Anti-Scripturists, Sceptics, and even Atheists.

Here, then, was a fine brood for Cromwell to take under his wing, and even if he limited his protection to "all that believe," his protégés were still a most heterogeneous folk. It was, nevertheless, among this heterogeneous folk—some of whom were half demented with religious excitement—that the toleration, not merely of expediency, but of principle, found its strenuous champions. For this merit alone, they deserve, despite their oddity, their ignorance, their argumentative sophistries, to be mentioned with great respect. Some of them had, happily for the future of common sense, but an evanescent existence. But to the Baptists was reserved a great future, and to these Baptists who, since the days of Thomas Münzer and Knipperdoling, had been looked down on and persecuted as the waifs of the religious world, the doctrine of toleration owes a greater debt than to any other subdivision of the Protestant Church. Let it be remembered to their immortal glory that, despite contempt and death, they were the pioneers of at least religious liberty as we understand it. Witness the following daring sentiments, culled from the writings of their early pamphleteers. "But your Majesty and Parliament may please to understand that the Scriptures do teach that the one true religion is gotten by a new birth, even by the Word and Spirit of God, and therewith also it is only

maintained and defended. . . . Let it (then) please your Majesty and Parliament to revoke and repeal these anti-Christian, Romish, and cruel laws that force all in our land, both prince and people, to receive that religion wherein the king and queen were born, and that which is established by the law of man." "I read that Jews, Christians, and Turks are tolerated at Constantinople, and yet are peaceable, though so contrary the one to the other. If this be so, how much more ought Christians to tolerate Christians, whenas the Turks do tolerate them? Shall we be less merciful than the Turks? Or shall we learn (teach) the Turks to persecute Christians. It is not only unmerciful, but unnatural and abominable, yea, monstrous for one Christian to vex and destroy another for difference and questions of religion."

Such were the sentiments of Leonard Busher, member of a small Baptist church in London, who, in 1614, presented, in pamphlet form, "A Plea for Liberty of Conscience to King James and the High Court of Parliament then sitting." He appended a variety of reasons in support of his thesis that in matters of faith, persuasion, not persecution, is the only Christian method, and his reasons in support of it do the utmost credit to his creed and his intelligence, although they failed apparently to make the slightest practical impression on king or Parliament. Nor is it surprising, in the days of harsh recusancy laws, whose slackness was the subject of Puritan outcry in every Parliament of James' and Charles' reign, that a toleration that would embrace even Papists, with some reservations, should utterly fail to find a hearing. Busher would except the consciences of traitors from the benefits of his "Plea," to wit, those who engaged in seditious intrigues in support of their religion. He would also limit their liberty of discussion by the Scriptures. Otherwise, he asked that "it be lawful for any person or persons, yea, Jews and Papists, to write, dispute, confer, and reason, print and publish any matter touching religion, either for or against whomsoever."

Mr Busher was certainly the most enlightened man of his generation in this particular—more enlightened by far than the most shining dignitary of Church or University. It only needed a plea for rational liberty *per se*, intellectual

liberty apart even from the limitation of the Scriptures, to make his illumination perfect.

The same contention is reiterated in another of these early toleration tracts, entitled "Persecution for Religion Judged and Condemned," in the form of a dialogue between Anti-Christian and Christian, with Indifferent Person for listener (1615).

The arguments of this unknown scribe were repeated five years later by another unknown scribe in "An Humble Supplication to the King's Majesty," presented in 1620, and consisting largely of quotations from the Scriptures and the Fathers, in protest against persecution. Twenty-three years later they were amplified by one who was not a nameless member of some obscure Baptist fraternity, but one of the most notorious characters of his age. This was Roger Williams, who began his career, as the irrepressible and indomitable protagonist of toleration, as a refugee among the New England Puritans. These expatriated New England Puritans, though professing Independent principles, were by no means disposed to grant to others that liberty which they claimed for themselves, as Williams experienced to his cost. They laid the utmost stress on sound doctrine, and they not merely thought it essential that a man should be sound in doctrine, but they attributed to the magistrate the right and the duty to see that he was so. The more moderate of the Separatists of the Robinson type of mind, who had fled to Holland and thence continued their flight across the Atlantic, had recognised this duty and this right, and in Massachusetts it was a fundamental law that no one was entitled to the franchise who was not a member of the Church. Church and State were, in fact, closely interwoven in this rigid Puritan society. The magistrate as well as the minister had a certain overseeing power over the belief and the conduct of the community, and any one like the restless Roger, who claimed a larger amount of individual liberty in such matters than this rigid Puritan society allowed, was speedily made aware of the fact. Williams, who arrived in the colony in 1630, must needs object to this kind of dictation, and his objections were the more obnoxious inasmuch as they touched the question of the rights of the civil authority as established in Massa-

chusetts. For his restless, aggresssive disposition thus to question established authority under Puritan auspices, and his uncontrollable individualism in both religion and politics, he was duly sentenced to banishment by the General Court of the colony as an incorrigible anarchist in November 1635. He just escaped being shipped back to England, and wandered southwards to become the founder of a new state and the champion of liberty of conscience in the untried wilds where he sought a new refuge, and to which he gave the name of Providence. Here he was joined by a number of sympathisers and followers, by one of whom he was rebaptized, and in March 1644 he obtained from the Parliament a charter for "the Providence Plantations." The great principle of toleration was explicitly recognised by the Assembly which met to frame a constitution under this charter. Freedom of conscience was, in fact, the corner-stone of the democratic little state, where religious belief was free as long as it was not subversive of the constitution. "Let all the saints of the Most High," decreed the Assembly, "walk in this colony, without molestation, in the name of Jehovah, their God, for ever and ever."

It was during his mission to England in 1643-44 to obtain the charter that Williams penned, in answer to Cotton, one of his New England antagonists, "The Bloody Tenent of Persecution, for Cause of Conscience Discussed." In form it is a dialogue between Peace and Truth, and both Peace and Truth evidently derived some of their arguments against coercion in matters religious from the pamphleteers of James' reign. Williams, indeed, prefaces the dialogue with a plea for liberty, written by a poor Baptist prisoner in Newgate twenty-four years before. This nameless sufferer for conscience, he tells us, being forbidden the use of ink, had written down his thoughts with the milk sent him for his daily sustenance for the benefit of his brethren. With these ideas as his inspiration, Williams undertook to trace, in the blood of the martyrs, the misery and mischief wrought by the dogma of persecution throughout the ages. He was by no means sanguine of his ability to convert his pugnacious generation to an idea so monstrous as that Christians should at last renounce this "bloody tenent" in obedience to the teach-

ing of both Christ and history. "I confess I have little hopes till these flames are over that this discourse against the doctrine of persecution for cause of conscience should pass current. . . . Yet *liberavi animam meam*, I have not hid within my breast my soul's belief."

His definition of persecution is very comprehensive, and shows that he had gone much further than those of his contemporaries who were continually harping on liberty, civil or religious, but had only a traditional and a very limited conception of its real meaning. "I acknowledge that to molest any person, Jew or Gentile, for either professing doctrine, or practising worship, merely religious or spiritual, is to persecute him, and such a person, whatever his doctrine or practice be, suffereth persecution for conscience." He would even refrain from persecuting Papists, if they gave sufficient assurance on the score of civil obedience. Persecution, he insists, arises from the confusion of the ideas of Church and State, and he denies absolutely that the civil magistrate has any right to exercise coercive jurisdiction in things spiritual. The Church is a spiritual community, distinct from the world, and Christ never recognised the right of the civil magistrate to interfere in its concerns. Besides, persecution always defeats itself. It only confirms the persecuted in their opinions. "Violence and a sword of steel beget such an impression in the sufferers that certainly they conclude that, indeed, that religion cannot be true which needs such instruments of violence to uphold it." The Church or society of worshippers may indeed exercise discipline and exclude an unworthy member, but it may not call in the aid of the civil magistrate. It cannot go further than a spiritual sentence, and for the secular power to abet its sentence is to pass beyond its province and arrogate a right to do what God himself refrains from doing. Is it not written that he that believeth not is damned, and is not this sufficient punishment for any heresy that was ever invented? To this contention he holds all through his diffuse and rather tiresome reasonings, despite every averment to the contrary, whether made by Prelatist, Presbyterian, or Independent, whether by Calvin, Beza, or Luther, or others of lesser theological lustre. Against all such he quotes Scripture most

profusely, and calls on the slaughtered saints to point his quotations. It is difficult to follow him through the verbose discussion, and is the less necessary as its main contentions have happily become the commonplaces of posterity. But such pregnant theses as the following deserve remembrance to their author's eternal honour, if only as anticipations of those maxims which, however self-evident to us, were by no means axioms to Williams' contemporaries, whether they held the Parliamentary or the Royalist creed. "It is the will and command of God that, since the coming of His Son, the Lord Jesus, a permission of the most paganish, Jewish, Turkish, or anti-Christian consciences and worships be granted to all men in all nations and countries, and they are only to be fought against with that sword which is only in soul matters able to conquer, to wit, the sword of God's Spirit, the Word of God." "God requireth not an uniformity of religion to be enacted and enforced in any civil State; which enforced uniformity sooner or later is the greatest occasion of civil war, ravishing of conscience, persecution of Christ Jesus in His servants, and of the hypocrisy and destruction of millions of souls." Contrarily, "the permission of other consciences than a State professeth only can, according to God, procure a firm and lasting peace; good assurance being taken, according to the wisdom of the civil State, of uniformity of civil obedience from all sorts."

Williams might not convince the Westminster Assembly or the New England Puritan bigots. He had, at any rate, read both history and the Bible more intelligently than all the divines of that age or any age since the days of the apostles. Happily his reading was destined to be the true one. His verbosity may try the patience. His ideas are, for the most part, the pure gold amid the heap of argumentative rubbish piled up by the intolerant champions of both Presbytery and Prelacy, who sacrificed spirituality to theological and ecclesiastical polemics. It is, indeed, most strange that toleration in religion had for long to fight such an uphill battle, to run the gauntlet of the bigotry of the centuries. Whatever primitive Christianity was, it was not a national religion, to be bolstered up by civil pains and penalties, and in ignoring this fact, Presbyterians and Episcopalians alike misread the New

Testament. As if the Christianity of Christ had not been a persecuted religion. In His days the Pharisees were the mortal foes of liberty of conscience, and how did He denounce those intolerant Pharisees! The whole career of the great Teacher was a conflict with Jewish religious pride and prejudice. He was the friend of the most despised of all the sects of His day—the Samaritans. He spoke of God as the Father, of whom all mankind were the children. He suffered contradiction and contempt without a thought of retaliation. He never appealed to the civil magistrate to vindicate His cause. And yet, with a fatuous obtuseness, His followers, with the exception of a poor, despised residuum now and again, had persisted, under ecclesiastical influence, in damning all who differed from the recognised nostrums of their day for fifteen hundred years at least! It was against the pseudo-Christian spirit, whether Romish or Protestant, that these English sectaries protested. They appealed to the Christ of old to testify anew against Church or party that dishonoured His name by claiming, like the Pharisees, for their monopoly of doctrine, divine right and civil sanction.

They had, indeed, the faults of their virtues. They were religious enthusiasts, and were apt to look on their neighbour's creed with all the contempt of superior sanctity and wisdom, if not to seek to repress it. They were very exclusive in the tenacity with which they held certain peculiar beliefs, and they were apt to overrate these beliefs, as if they were the essentials of Christianity. In a word, they were weak on the side of rationality, and in this respect they compare ill with some of the Royalist divines, like Fuller, the genial author of the "Church History" and the "Worthies of England." Fuller advocated "a fair condescension in matters of Church reformation." "Ruin and desolation is likely to follow," he insisted in "Truth Maintained," "except moderation be used on both sides." He found fault with both Royalists and Roundheads, and he pleased neither. He was disowned by each in turn. He fled from London to Oxford under the stigma of being "too hot a Royalist." His denunciation of Royalist extremists forced him from Oxford to become chaplain to Hopton's army. The preacher of moderation had, in truth, a bad time of it in those days. Moderation has no chance of a hearing

in the midst of a revolution. "The longer I see this war," said the preacher, "the less I like it and the more I loathe it." To a Cromwell on the one hand, a Rupert on the other, this could only appear as an execrable sentiment. Fuller illustrated his position by a story worth repeating. "I cannot but expect to procure the ill-will of many, because I have gone in a middle and moderate way betwixt all extremities. I remember a story too truly applicable to me. Once a jailor demanded of a prisoner newly committed unto him whether he were a Roman Catholic. 'No,' answered he. 'What, then,' said he, 'are you an Anabaptist?' 'Neither,' replied the prisoner. 'What!' said the other, 'are you a Brownist?' 'Nor so,' said the man; 'I am a Protestant.' Then said the jailor, 'Get you into the dungeon; I will afford no favour to you, who shall get no profit by you; had you been of any of the other religions, some hope I had to gain by the visits of such as are of your own profession.' I," continues Fuller, "am likely to find no better usage in this age who profess myself to be a plain Protestant, without welt, or guard, or any addition, equally opposite to all heretics and sectaries."

The moderation of a Fuller and his like-minded friends, Hales and Chillingworth, sprang from a kindliness of nature and a predilection for intellectual liberty that were ill at ease in the roaring sea of controversy around him. Such a man could hardly be a partisan. Milton, on the other hand, united in himself the spirit of the partisan with a thorough appreciation of intellectual freedom. He was, in truth, the highest type of the tolerant man on the intellectual side that the age produced. He was, or at least became, himself a sectary, but, unlike even the more advanced sectaries, he was not content to harp on liberty of conscience merely from religious motives. His vision was not limited by the Bible. To him liberty for the human reason was as important as liberty for the human conscience, and to him belongs the glory of emphasising, elucidating the claims of this liberty against even the Parliament itself.

As a partisan, he had done yeoman service in the crusade against Episcopacy. In less than two years (1641-42), he produced as many as four anti-Episcopal pamphlets. The first of them, "Of Reformation Touching Church Discipline

in England," illustrates the idea common to the Puritans that the English Reformation was a case of arrested development. He had no appreciation of the historic continuity of the English Church, or for the Antiquarians (Laud and his school), as he called them, who had. Nor had he the slightest reverence for fathers, schoolmen, or reformers whose names were invoked by his opponents to sanction what he believed to be error. He held that the slavish deference to mere names, from the times of the apostles onwards, had been productive of untold mischief to the Christian Church. Even the heroes of the English Reformation were no heroes to him, and in this critical, independent spirit he laid about him without the slightest consideration for the reputation or the dignity of Churchmen, past or present. He hated the historic Episcopacy as a usurpation of the rights of people aud presbyters. For him bishops had been the oppressors of the Church and the State since the days of Constantine at least, and he expressed his conviction, in this first pamphlet, with a wealth of expletives that not even the stately diction of other passages can redeem from the charge of extravagant bias and bitterness. He was as great a master of objurgation as Luther himself. As a rabid Root and Branch man, even Prynne and Leighton were no match for him in this kind of controversial art. Let us not forget, however, that Milton's Episcopal opponents gave as good as they got, and the fact of this strong language may remind us that rabid dogmatism, coupled with extravagant vilification of opponents, was, by no means, the exclusive prerogative of dour Scottish presbyters, as we are sometimes informed.

From his fertile pen came two other pamphlets, in the same year, on the same subject—one on "Prelatical Episcopacy" in reply to Usher; the other a fierce personal attack on Bishop Hall, entitled "Animadversions," in vindication of Smectymnuus (the Scotsman, Thomas Young, his old tutor and vicar of Stowmarket) and his collaborators, with whom the bishop was in hot controversy over the Episcopal question. A year later came a fourth, "The Reason of Church Government Urged against Prelaty." In this pamphlet he reasons rather than objurgates, and contends, with the older Puritans of Elizabeth's day, that Church government is prescribed in

the New Testament and is not to be fashioned on the model of the Old, and that Prelacy, in its pomp and rites, is incompatible with Gospel simplicity. Moreover, the Episcopal jurisdiction conflicts with the idea of the Church as a moral and spiritual community, and is mischievous to both Church and State. For Episcopacy he would substitute a system almost identical with the Scottish Presbyterian, to the extent, at least, of establishing a consistory for the government of the parish or congregation, and a General Assembly for the government of the whole Church. In 1642 Milton was, for an Englishman, almost as good a Presbyterian as a Baillie or a Henderson could wish.

He did not long remain a Presbyterian. His "Treatise on Divorce"—the fruit of an unhappy marriage—discredited him in the eyes of his Presbyterian associates, and within about a year of his last anti-Episcopal pamphlet he had edged away to the camp of the sectaries, and to a freer atmosphere than that of his former friends, the Smectymnuians, with whom he had collaborated in the attack on the bishops. The probability is that he would have gone that way in any case. The man who, in 1644, came forth as the champion of intellectual liberty against the Parliament itself, could not long have remained at ease within the narrow limits of Presbyterian dogmatism. In November 1644 appeared "Areopagitica: A Speech of Mr John Milton for the Liberty of Unlicensed Printing to The Parliament of England." He had dared to publish his "Divorce Treatise" without the license enjoined by the Parliament's Ordinance anent Printing, and had got into trouble with the Stationers' Company, and even with a Committee of the Commons. "Areopagitica" was his answer to these censorial attentions.

"As good kill a man as kill a good book; who kills a man kills a reasonable creature; but he who destroyes a good booke, kills reason itselfe. . . . A good booke is the pretious life blood of a master spirit, embalmed and treasured up on purpose to a life beyond life." Be careful, therefore, he exhorts, how you spill that reasoned life of man preserved and stored up in books, how you strike at that ethereal essence, the breath of reason itself, and slay an immortality rather than a life. Among the ancients only books that were libellous

or atheistic were prohibited, and this liberality prevailed till the Inquisition introduced a more rigorous use of the censorship. "Till then books were ever as freely admitted into the world as any other birth." And what was the purpose of this restriction? To strangle all reformation. For such an origin and such an object, Parliament, he skilfully concludes, can have no liking. Moreover, has it not been the practice of good men in all ages to read both good and bad books? And the chief thing is not what, but to what purpose and effect we read. As God has left to human reason the right use of meat and drink by the exercise of temperance, so has He left to human discretion the use of intellectual nourishment. Good and evil are intermixed in this world, and the true way to eschew evil is not to shun it, but, knowing it, to abstain from it. "I cannot praise a fugitive and cloistered virtue unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race where that immortal garland is to be run for, not without dust and heat. Assuredly we bring not innocence into the world; we bring impurity much rather. That which purifies us is trial, and trial is by what is contrary. . . . Since, therefore, the knowledge and survey of vice is in this world so necessary to the constituting of human virtue, and the scanning of error to the confirmation of truth, how can he more safely and with less danger scout into the regions of sin and falsity than by reading all manner of tractats, and hearing all manner of reason." Why, if we are to eschew books because of that in them which may be hurtful, we shall be debarred from reading the Bible itself, "for that relates blasphemy not nicely, it describes the carnal sense of wicked men not unelegantly (*i.e.*, elaborately), it brings in holiest men passionately murmuring against providence, through all the arguments of Epicurus." We must, too, eschew the Fathers, and not only destroy all heretical books, but muzzle all learning to boot.

Further, the censorship does not secure the end for which it is exercised. What avails it to shut and fortify one gate against corruption, while you leave others wide open? "If we think to regulate printing, thereby to rectifie manners, we must regulate all recreations and pastimes, all that is delightful to man." Music, song, dancing, eating, drinking, con-

versation, even the open window must have their licensers. To attempt this would be ridiculous as well as useless. "The great art lies to discern in what the law is to bid restraint and punishment, and in what things persuasion only is to work." The censorship is an impracticable absurdity, for to be effectual, Parliament must make a review of all books that have ever been printed, and must employ an army of officials to proscribe some, expurge others. And when all has been done, the suppression of books would not lead to the suppression of opinion, or heresy, or other illegal belief. Has the Inquisition created a high morality in Italy or Spain? And as it is certain that no able man will waste his time in this distasteful labour, which interferes with his own studies, only ignorant and mercenary press correctors, remiss in their duty, will be got to fill the office.

Further, the censorship is "the greatest discouragement and affront that can be offered to learning and learned men. . . . So far to distrust the judgment and the honesty of one who hath but a common repute in learning, and never yet offended, as not to count him fit to print his mind without a tutor and examiner, lest he should drop a schism or something of corruption, is the greatest displeasure and indignity to a free and knowing spirit that can be put upon him." What advantage is it to the man over the boy at school, he asks, with a fine sarcasm, if he have only 'scapt the ferula to come under the fescue of an *imprimatur?*

It is in expatiating on the injustice and the hardship of this subjection of the master-mind that Milton's prose rises into commanding and spontaneous eloquence. His indignation makes him forget his imaginary, august audience, and he delivers himself, with unrestrained impetuosity, of the passion that is boiling at the indignity of having to submit to the judgment of some petty ignoramus. Genius at the mercy of stupidity is a maddening thought to Milton, as to the choice spirits of every artificially hampered age. There is humour as well as pathos in his indignation, as he describes the luckless genius trudging with the offspring of his labour and his vigils to some "unlearned licenser, perhaps much his younger," "to be his bail and surety that he is no idiot or seducer." And does an inspired thought come to

him whilst his work is being printed, back he must go to the licenser, "perhaps a dozen times in one book," and keep the press standing still till he find him at leisure to signify his pleasure,—to express "the hidebound humour which he calls his judgment." His anger is increased by the reflection that all the master-minds of past times must lower themselves to the measure of this petty functionary, whenever a reprint is called for. Such treatment might be a worthy punishment for a man who has written a scandalous libel, but it is an intolerable bondage for a free spirit and a gross libel on the intelligence of the nation. Moreover, it is a poor compliment to the Christian ministry that after "all this continual preaching, the whiff of every new pamphlet should stagger them (their flocks) out of their catechism and Christian walking." Let them remember Galileo, whom he visited on his Italian tour, languishing out his old age in prison for thinking on astronomy otherwise than the Franciscan and Dominican licensers thought. Little had he recked, as he listened in Italy to the praises of free England, that he should yet hear the same complaints at home uttered against the tyrannic ordinance of a free Parliament. If this Parliamentary inquisition is not curbed, it "will soon put out of controversie that bishops and presbyters are the same to us both name and thing . . . and the pastor of a small, unlearned parish on the sudden shall be exalted archbishop over a large diocese of books." Milton did not love prelates; he had quickly lost his love of presbyters, who, in their day of triumph, had learned only too well to ape the bishops in their monopoly of divine wisdom. He denounces their pretensions, and he warns against their policy of narrow compulsion. Particularly dangerous is the stagnation of mind and knowledge such a policy begets. "Truth is compared in Scripture to a streaming fountain; if her waters flow not in a perpetual progression, they sicken into a muddy pool of conformity and tradition." There are Protestants who live and die as much the slaves of authority as any Papist of Loretto.

Milton is a believer in progressive inquiry, because he realises that the full truth is not the possession of any age. The Reformation is for him but a step in the right direction,

and he is still far short of the truth who thinks that the verge of reform has been reached. "The light which we have gained," he nobly says, "was given us not to be ever staring on, but by it to discover onward things more remote from our knowledge." To have dethroned the pope and the bishops merely to enthrone the Presbyterian minister, is not the end of reform. "We have look't so long upon the blaze that Zwinglius and Calvin hath beaconed up for us, that we are stark blind." He refuses to be thus blind, nor will he subscribe to a merely mechanic unity that leaves truth incomplete and restricts intellectual activity. "To be still searching what we know not, by what we know, still closing up truth to truth as we find it (for all her body is homogeneal and proportionall), this is the golden rule in theology as in arithmetick, and makes up the best harmony in a Church; not the forc't and outward union of cold and neutral, and inwardly divided, minds."

Finally, he bursts into an impassioned appeal to Parliament in favour of a free republic of thought, comprehended in a Church which shall know how to forbear with diversities of opinion, and stop no honest man's mouth. It is the eloquence of conviction in a large mind that cries in the ear of his audience, "A little forbearance of one another and some grain of charity might win all these diligencies to joyn and unite in one general and brotherly search after Truth, could we but forgoe this prelaticall tradition of crushing free consciences and Christian liberties into canons and precepts of men." There are few pages in English literature which rise so loftily into the atmosphere of noble human endeavour as does this apostrophe of an imaginary Parliament in favour of liberty and brotherhood. Milton would fain believe that the morning of a better era has dawned for Britain and for the world. It was a grand belief, though it was as yet, alas, but the offspring of a too sanguine spirit. For the present he refuses to believe that the Long Parliament will be untrue to itself. It is to this Parliament and in this spirit of optimistic hope that he cries with a noble earnestness, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties." "Let truth and falsehood grapple; who ever knew truth put to the worse in a free and

open encounter?" "Who knows not that Truth is strong next to the Almighty? She needs no policies, no stratagems, nor licensings to make her victorious." Nevertheless, he will not go the length of full liberty, for even Milton's mind is swathed with some of the prejudices of his time. He will not tolerate Popery and open superstition, "which, as it extirpates all religious and civil supremacies, so itself should be extirpat, provided first, however, that all charitable and compassionat means be used to win and regain the weak and misled." He will also draw the line at that "which is impious or evil absolutely, either against faith or maners," which no law can possibly permit. For the rest, unity of spirit in the bond of peace should suffice, remembering that in the matter of prohibiting, "there is not ought more likely to be prohibited than truth itself, whose first appearance to our eyes, blear'd and dimmed with prejudice and custom, is more unsightly and unpleasible than many errors."

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INDEX TO VOL. III.

Abbot, Archbishop, 130, 164, 213
Aberdeen, 257, 280, 281, 435, 436
Accommodation Order, The, 465
Adwalton Moor, Battle of, 390
Airlie, Earl of, 287
Airth, Earl of, 230
Alford, Battle of, 436
Alford, M.P., (1625) 110, (1626) 137, (1628) 151
Almond, Lord, 330
Anderson, Chief Justice, 144
Annan, Rev. Mr, 249
Antrim, Lord, 280, 434, 435
"Apologetical Narration, The," 464
"Appello Cæsarem," 131
"Areopagitica," 481-486
Argyll, Earl of, 273, 283, 287, 292; leader of Scottish Parliament, 329-333; created Marquess, 331; refuses Charles' appeal for help, 371; engineers Solemn League and Covenant, 409; opponent of Montrose, 433, 435, 436
Arians, The, 472
Armagh, 349
Arminianism, 130-132, 166, 167, 168, 170, 172, 241
Arundel, Lord, 124, 127, 152, 280
Association, The Eastern, 394, 395, 398, 419
Athole, Earl of, 287, 435
Auldearn, Battle of, 436

Bacon, Francis, Speech of, in Parliament (1601), 15; advocates religious compromise, 24; on impositions, 41-42; Attorney-General, 51-52, 56; his advice on calling Parliament (1614), 51, 54; political principles of, 57; Lord Chancellor, 58; his antagonism to Coke, 58, 59; relations to Buckingham, 62; one of the referees, 73; trial of, 75-79, 312
Baden, Margrave of, 90
Bagg, 143
Bagshaw, Member of Long Parliament, 297, 298, 344
Baillie, General, 419, 436, 439
Baillie, Letters of, 249, 250, 252, 253, 268, 269, 270, 272, 273, 302, 303, 304, 328, 329, 330, 331, 404, 405, 406-408, 433, 436, 437, 440, 447, 463-466
Balcanqual, Dr, 270, 280
Balfour, Lieutenant of Tower and Parliamentary general, 351, 389, 420
Balfour, Sir James, 233, 240-244
Balmerino, Lord, 224, 240-244, 254, 258, 260, 267, 290
Bancroft, Archbishop of Canterbury, 24, 209-210
Bankes, Attorney-General, 183
Baptists, The, 460, 464, 472-474
Barnes, views on non-resistance, 2
"Basilikon Doron," 22
Basing House, Assault of, 398, 432
Basingstoke, 421
Bastwick, Dr, 190-192, 300, 304
Bates, John, 36
Baxter, Richard, Puritan divine, 471, 472
Bedford, Earl of, 294
Bell, John, minister of Glasgow, 268
Bellièvre, French Ambassador, 447
Benevolences, James I. resorts to, 55
Bere, Under-Secretary, Correspondence of, quoted, 330, 353
Berkeley, Sir R., 180
Berwick, Treaty of, 283, 284

"Bloody Tenent of Persecution, The," 475-477
Bodin, 151
Book of Common Order, The, 217, 246
Bracton, 16, 52
Brent, Sir Nathaniel, 189
Brentford, 382
Brereton, Sir W., 388
Bridgman, Member of Long Parliament, 344
Bridlington, 387
Bristol, Lord, 124, 128, 152, 386-387
Bristol, Town of, 432
Brooke, Lord, 113
Brooke, Lord, 294, 388
Brownists, The, 459-461
Brunelles, M. de, 384
Buckingham, Duke of, Rise of, 62; threatened impeachment of, 73, 74; champions war with Spain, 91, 92; supports impeachment of Middlesex, 96, 97; his foreign policy, 107; distrust of, by Commons (1625), 112; impeachment of (1626), 116-128; expedition of, to La Rochelle, 138, 139; arraigned by Eliot, 153-154; assassination of, 162; character of, 162
Burgh, Hubert de, 120
Burghley, Lord, 224, 267
Burlamachi, M., 384
Burton, Puritan divine, 190-192, 300, 304, 462
Busher, Leonard, 473
Byron, Lieutenant of Tower and Royalist general, 352, 390

Cæsar, Sir Julius, Chancellor of Exchequer (1614), 52
Calderwood, David, 218-219, 223, 226, 227
Calvert, Secretary of State, 70, 84, 85, 87
Calvinism, 132, 136
Cambridge, 394
Canons, Scottish Church, 245, 246, 255, 266, 270, 277
Cappel, Member of Long Parliament, 296
Carleton, Sir Dudley, 126, 127
Carmichael, John, 223
Carnarvon, Earl of, 394
Carr, Viscount Rochester, Earl of Somerset, 50, 62
Cartwright, English Presbyterian divine, 458
Casillis, Earl of, 254, 267
Catesby, Catholic plotter, 26
Cavaliers, the, Ideas of, 377-381
Cecil, Secretary, Speech of, in Parliament (1601), 15-16
Cecil, Sir Edward (Lord Wimbledon), expedition against Spain, 115, 137
Chalgrove Field, 388
Chamberlain, Correspondence of, quoted (1614), 53, 54, 68, 97
Chambers, Richard, 180
Chancery, Court of, quarrel with Commons, 30
Charles I., Personality of, 105-106; early attitude towards Catholics, 106-107, 111; foreign policy of, 107, 111, 113, 115, 116; and his first Parliament, 107-114; and his second Parliament, 116-128; champions Buckingham, 119, 125, 127; disclaims parliamentary control, 121; financial embarrassments of, 137-140; and his third Parliament (1628), 140-158, (1629) 165-175; asserts his prerogative, 149; letter to third Parliament, 150-151; accepts Petition of Right, 155; his religious partisanship, 164-165; protects customs officers against Parliament, 169-170; attitude towards Roman Catholicism, 192-193; ecclesiastical policy of, towards Scotland, 229-231; visit of, to Scotland (1633), 236-240; prosecutes Lord Balmerino, 242-244; introduces Service Book into Scottish Church, 245-250; persists in requiring obedience to, 249-257; negotiations of, relative to National Covenant, 262-265; wages war against the Scots, 279-283, 286-289; criticism of policy of, towards Scotland, 289-294; opens Long Parliament, 295-296; effects of his arbitrary government, 296-301; and the Triennial Bill, 306-307; distrust of, by Long Parliament, 320-321, 336-341,

348; sacrifices Strafford, 322; resents Parliamentary control, 326-327; strives to divide Commons, 328; second visit to Scotland, 329-333; and the Grand Remonstrance, 344, 351; reception of, on return from Scotland, 347-348; vainly attempts to reassure Commons, 349; relations of, with Irish rebels, 349-350; his double personality, 352; cultivates the Parliamentary minority, 354; demands the surrender of the five members, 355-358; seeks them in city, 358-359; retires to Hampton Court, 360; refuses to accept Militia Ordinance, 365-369; his errors in dealing with Parliament, 372-373; negotiates with Parliament (1642-1643), 382-387; appeals to Scots for aid, 400-401; rebukes Scottish interference, 402-404; and the Parliamentary Commissioners, 424-425; rebukes Parliamentary intolerance, 428; sanguine hopes of, before Naseby, 429; defeat of, at Naseby, 430; surrender of, 431, 444; negotiates with Scots, 442-444; evasive tactics of, 446-449, 451-452; discussion with Henderson, 448; surrender of, by the Scots to the English Parliament, 452-454
Charles, Prince of Wales, 65, 91, 93, 95, 96, 97
Cheriton, Battle of, 418
Chillingworth, Anglican divine, 479
Christian, King of Denmark, 82, 107, 109, 137, 176-177
Christian of Anhalt, 90
Civil War, The, its character, 376-381
Clarendon, Earl of, opinion of Laud, 188; quoted, 282, 337, 347, 410, 442
Clerical Disabilities Bill, 364, 458
Clotworthy, Sir John, M.P. (Malden), 301
Coke, Sir Edward, Chief Justice, Opinion of, on impositions, 36-37; declares proclamations without parliamentary consent illegal, 46; vindicates law against prerogative, 55-56; champions independence of bench, 56, 57; his character and principles, 57-58; quarrel with Bacon, 59; resists royal interference, 59-60; suspension and dismissal, 61; member of James' third Parliament, 68, 71, 84; imprisoned by James I., 89; activity of, in Charles' first Parliament, 108, 110; disabled from Charles' second Parliament, 116; appeals to Magna Charta, 141, 142; argues against arbitrary imprisonment, 144-145; supports Petition of Right, 149-151; arraigns Buckingham, 155
Coke, Sir John, 109, 110, 143, 144, 169
Coldstream, 288
Collington, 317
Committee of Both Kingdoms, 409, 420-422
Commons, Apology of, 31-32; grievances of (James I.), 31, 33, 34-36, 38-39, 45, 52, 71; (Charles I.), 108, 140-146; condemn Cowell's "Interpreter," 39-40; question the royal prerogative, 40-41, 48, 146, 147; debate impositions, 41-44, 52; arraign Bishop Neile, 53; demand freedom of speech, 41, 70; attack monopolies, 71-75; petition of, on foreign affairs (1621), 85; Protestation of Rights (1621), 87-88; services of, to political liberty, in reign of James I., 100-102; limitations of these services, 102-104; their opposition to Charles I. in first Parliament, 107-114; impeach Buckingham, 116-128; Puritan sympathies of, 129-132; invoke law and precedent, 141; and the question of sovereignty, 151; remonstrance of, 153-155; 157-158; demand dismissal of Buckingham, 157-158; opposition of, in Short Parliament, 286; denounce Charles' misgovernment, 296-299; accuse Strafford, 301-302; demand ecclesiastical reform, 308, 312; discussion of, on ecclesiastical question, 327-

328; 333-336; their distrust of Charles, 336-341; two parties in, 333-341; and the Grand Remonstrance, 341-347; insist on having a guard, 348; mob intervention on behalf of, 352-353; retire to the Guildhall, 358; return of, 360; insist on reparation, 362, 363
Commons, House of: its position under Elizabeth, 11-17
Confession of 1567, 266
Conn, papal agent, 192
Contract, The Great, 39, 44, 46
— The Social, 52, 141
Conway, General, 287-289, 296
Conway, Lord, 110, 122
Conyers, General, 288, 296
Cork, Earl of, 313
Coryton, M.P. (1629), 171
Cosins, High Church divine, 168
Cotton, antiquary, 114
Covenant of 1581, 266
— The National, 258-262, 263, 264, 266, 274, 275, 276, 290
Covenanters, The, 262-266, 267, 274-276, 279-294
Coventry, Sir Th., Attorney-General and Lord Keeper, 116, 121, 179
Cowell, Dr, author of "The Interpreter," 39-40
Cranfield, Earl of Middlesex, Lord Treasurer, 71, 72, 85; impeachment of, 95-97, 312
Crawford, General, 419, 422, 470
Crewe, M.P. (1621), 84, 89; Speaker (1625), 108; Chief Justice, 138, 173
Cromwell, Oliver, moves Triennial Bill, 306; supports Root and Branch Bill, 309, 311; supports majority of Long Parliament, 336; opinion of, on passing of Grand Remonstrance, 347; his opinion of the main motive of civil war, 377; at Edgehill, 382; operations of 1643, 388, 390; complains of want of supplies, 393; his confidence in God, 395; services of, as organiser, 394, 398; at Marston Moor, 419-420; quarrel of, with Manchester, 422-423; nominated Lieutenant-General, 429; at Naseby, 430; presents Accommodation Order, 465, 470; advocates toleration, 470-477
Cropredy Bridge, 420
Crossraguel, Abbot of, 218
Culpepper, Member of Long Parliament, 297, 301, 309, 344, 354
Cumbernauld, Bond of, 329

Dalhousie, Earl of, 254
Dalkeith, 255, 263
Darlington, 289
Dartmouth, 432
Deering, Sir Edward, 342-343, 344
Denbigh, Lord, 152, 425
Denmark, 364, 371
Dessau, Battle of, 137
D'Ewes, Journal of, 13, 179, 180, 192; Member of Long Parliament, 311, 346, 357
Dickson, minister of Irvine, 254, 437
Digby, Lord, 83, 297, 300, 301, 305, 309, 310, 319, 328, 363, 364, 367, 431, 443
Digges, M.P., (1614) appeal to law, 52, (1621) 68, 84, 89, (1626) 116, 123; arrest of, 125, 126; Member of Charles' third Parliament, 145
Dillon, Lord, 313, 338
"Discipline, The Second Book of," 198-203, 277
Dissolution Bill, 323, 336, 339, 354
Dodderidge, 145-146
Donnington Castle, 421
Dorset, Earl of, 37, 348, 386
Douglas, Earl of, 281
Douglas of Cavers, 267
Downland, speech against monopolies (1601), 16
Drummond of Hawthornden, quoted, 244
Dumbarton, 280, 281, 289
Dumfries, 434
Dunbar, Earl of, Treasurer of Scotland, 206, 213
Dunfermline, Earl of, 283, 284, 329
Duns Law, 282, 288, 358
Durham, 288, 289, 418

Edgcott, 381
Edgehill, Battle of, 381-382, 385, 395
Edinburgh, visit of Charles I., 236, 281, 289

Edmondes, M.P. (1628), 168, 170
Edward III., King of England, 307
Edwards, Thomas, 462
Eglinton, Earl of, 224, 254, 267
Elcho, Lord, 435
Eliot, leader of the opposition to Charles I., 107, 111, 114; leads in the impeachment of Buckingham, 116-128; arrest of (1626), 125, 126; dismissed from office of justice, 137; imprisoned, 138; speech against arbitrary government, 142-143; proposes remonstrance, 153-154; denounces High Church doctrines, 167; speech of, in support of Declaration (1629), 170-172; imprisonment and death of, 172-174; character of, 175-176
Elizabeth, Queen, Autocratic rule of, 1; Catholic attacks against, 2; attitude of, towards Puritans, 5; personality of, 9; attitude of, towards Parliament 9-17
Ely, 471
England, New, 460, 474-475, 477
Episcopacy, Establishment of, in Scotland, 205-217; abolition of, 274-277; attack on, by Commons, 308-312
Erastians, The, 463, 466-467
Erle, Member of Long Parliament, 301
Erskine, Lord, 274
Essex, Countess of, 50
Essex, Earl of, 294, 355, 356, 358, 372, 379, 381, 382, 388, 389, 392, 393, 394, 418, 420
Estates, Scottish, Convention of, 231

Fairfax, Lord, 382, 388, 392, 393, 394, 395, 418-420, 439
Fairfax, Sir Thomas, 390, 392, 418, 419, 420, 428, 430, 431
Falkland, Lord, 301, 303, 304, 305, 309, 333-336, 344, 347, 354
Family of Love, The, 472
Fawkes, Guy, 26
Ferdinand II., Emperor and King of Bohemia, 65, 83
Fiennes, Nath., Member of Long Parliament, 305, 310
Fife, 371
Financial question, Importance of, 34-36, 49, 55, 392-394; expedients of Long Parliament, 396, 397
Finch, Member of James' first Parliament, 43
Finch, Speaker of Commons (1629), 170-172; Chief Justice, 183; Lord Keeper, 295, 303
Firth, Mr, quoted, 377
Fisher, Controversy of Laud with, 167
Fleming, Baron, judgment on impositions, 36; on proclamations, 46
Floyd, arraigned by the Commons (1621), 80-81
Forbes, minister of Alford, Trial of, 207
Forbes, Patrick, of Carse, Bishop of Aberdeen, 220, 222
Forth, Lord, 418
France, 292, 371
Frederick, Elector Palatine, 65, 66, 82, 83, 93, 176
Freedom of speech, 172
Fuller, Member of James' first Parliament, 41; of second Parliament, 51, 52
Fuller, Thomas, 478, 479

Gainsborough, 390, 395, 396
Galloway, Bishop of, 254
Galloway, Patrick, minister of Edinburgh, 220
Gardiner, S. R., quoted, 58, 61
Gell, Sir John, 379, 388
General Assembly, the, Rôle of, in Scottish national life, 198; meeting at Dundee (1597), 205; at Montrose (1600), 205; at Aberdeen (1605), 206, 209; at Linlithgow (1606 and 1608), 211-213; at Glasgow (1610), 213-214; at St Andrews, 219-220; at Perth, 220-224; at Glasgow (1638), 266-275; at St Andrews (1642), 398, 399, 401
Gerard, Catholic plotter, 26
Gillespie, Scottish divine, 463
Gladstanes, Archbishop of St Andrews, 206, 217
Glamorgan, Lord, 431
Glanville, M.P. (1625), 113; (1626), 122

Gloucester, 388, 391, 395
Glyn, Member of Long Parliament, 319, 344, 354, 409
Gondomar, Spanish Ambassador, 66
Goodman, Political views of, 3
Goodwin, John, 465
Goodwin, Thomas, 462
Gordon, of Rothiemay, quoted, 248, 260
Gordons, The, 282, 435
Goring, General, 419, 429, 431, 432
Grandison, Lord, 113
Grantham, Fight of, 395
Grantham, Regiment of, 382
Greyfriars' Church, Edinburgh, Signing of Covenant in, 260-261
Grievances, Commission of (Scotland), 233
Grimston, Member of Long Parliament, 297, 298, 309
Grindal, Archbishop, 11
Guise, Duke of, 253
Gunpowder Plot, 26, 33
Gustavus Adolphus, King of Sweden, 176
Guthry, Bishop of Dunkeld, 250, 265
Guthry, Bishop of Moray, 262

Habeas Corpus, Question of, 138, 144
Hackwell, speech against monopolies (1601), 16; against impositions (1610), 42; Member of James' second Parliament, 51, 52; third Parliament, 68
Hague, Treaty of, 116
Haig, W., 240
Hales, John, 192, 479
Hales, Sir Edward, 296
Hall, Bishop, 480
Hamilton, General, 176
Hamilton, Marquess of, 224, 253, 257, 262, 263-274, 276, 280-283, 284, 317, 330; (Duke of), 331, 405, 408, 450, 451
Hamilton, Sir Thomas, Earl of Melrose, 224
Hampden, Member of Charles' second Parliament, 116; imprisoned, 138; refuses to pay ship-money, 182; trial of, 182-183; leader of Long Parliament, 296; member of Committee against Strafford, 301; judgment against, quashed, 304; supports Bill of Attainder against Strafford, 320; leader of majority of Commons, 333; supports Grand Remonstrance, 344, 346; surrender of, demanded by Charles, 356-357; regiment of, 382; death of, 388; letter of, 393
Hampton Court conference, 23-24; second conference of, 208-209
Hay, Lord Clerk Register, 240, 254
Hazelrig, Member of Long Parliament, 355
Heath, Sir Robert, Attorney-General, 111, 173; Chief Justice, 177
Hedley, M.P., Speech of, against impositions (1610), 42
Henderson, Alex., 223, 250, 254, 258, 260, 270-274, 283, 398, 402, 403, 408, 409, 426, 433, 448, 463
Henrietta Maria, Marriage of, 95, 98, 106; influence of, 429, 447
Henry III., King of England, 120
Henry IV. of France, 28
Henry VIII. as absolute ruler, 1, 3
Herbert, M.P. (1626), 122; Attorney-General, 355, 362
Hereford, Town of, 388, 431, 432, 439, 440
Hertford, Earl of, 394, 426
Hertford, Sheriff of, 287
Hewat, Peter, minister of Edinburgh, 218
Heyman, M.P. (1629), 172
Hickson, Miss, quoted, 349
Hide, M.P., Bill of 1601, 15
High Church party, Political and theological views of, 131-135, 184-193, 299, 300
— Commission, 187, 189-190, 296, 308, 326, 459
— Commission (Scotland), 213, 218, 226, 227, 245, 263, 265, 266, 270, 275, 277
"Histriomastix," 186
Hitcham, Sir Robert, Speech of, on impositions (1610), 42
Hobart, Attorney-General under James, Speech of, on impositions (1610), 42-43

Hobart, Sir Miles, 171
Holbourne, counsel for Hampden, 183, Member of Long Parliament, 305
Hooker, Richard, Political views of, 6-8, 52
Holland, Earl of, 280, 282, 297, 366
Holland, Puritan refugees in, 460, 462, 464, 474; services of, to political liberty, 293; intrigues of queen in, 364, 371, 387
Hollis, M.P. (1629), 170-172, 174; (of Long Parliament), 296, 303, 311, 344, 355, 454
Home, Earl of, 254, 256, 267
Hope, Sir Thomas, Lord Advocate, 235, 242, 254, 277
Hopton, Cavalier general, 388, 389, 392, 432
Hoskyns, M.P. (1614), 54
Hotham, Sir John, 382, 394
Hotham, The younger, 363, 368, 394
Howard, Lord Henry and Lord Thomas, 25
Huguenots, Revolt of, 110, 116, 123
Hull, 368, 372
Huntingdon, 382, 431
Huntly, Marquess of, 257, 280, 281
Hurry, General, 436
Hutchinson, Colonel, 414
Hutchinson, Mrs, quoted, 379, 442
Hutchison, John, 192
Hyde, Laurence, M.P., Speech of on impositions (1610), 43
Hyde (Lord Clarendon), 309, 328, 334-337, 344
Hyde, Sir Nicholas, Chief Justice, 138, 146, 173

Impositions, Question of, 36-47
Impressment Bill, 350, 351, 364
Imprisonment, Arbitrary, 144-146
Incident, The, 330, 338
Independents, The, 438, 439, 442, 443, 447, 461-468
"Information from the Scottish Nation, The," 288
"Interpreter, The" (Cowell's), 39-40
Intolerance, of General Assembly, 399, 401; prevalence of spirit of, 469, 470
Ireland, 296, 297, 313, 314, 315, 317
Irish Cessation, The, 417, 425
— Rebellion, The, 338-340, 349, 350, 405
Ironsides, The, 430
Inverlochie, Battle of, 435-436

James I., Personality of, 21-22; attitude of, towards Puritans, 22-25; towards Catholics, 25-29, 90-91, 95; impecuniosity of, 34-38; and his first Parliament, 30-47; speeches of, 30, 32-33, 51, 60, 68-69, 91; and his second Parliament, 51, 54; emphasises prerogative above law, 56, 60; foreign policy of, 63-67, 69, 81-84, 90-94, 97-98; and his third Parliament, 68-89; character of, 98-100; significance of his reign, 100-104; views of, on the right of rebellion, 130; opinion of Laud, 135-136; ecclesiastical policy towards Scotland, 204-227; Scottish Parliament declares ecclesiastical supremacy of, 214-216; reforms worship of Scottish Church, 217-226; visit of, to Scotland, 217-219; policy of, towards Scotland, 289, 291
Jermyn, Lord, 431
Johnstone of Warriston, 254, 256, 257, 258, 260, 270, 274, 283, 398, 399, 407, 408
Justiciary Court, 208
"Justification of Separation, A" (Robinson), 461
Juxon, Bishop, 317

Kelso, 282
Kerr, Dean, 349
Kilsyth, Battle of, 436
Kimbolton, Lord, 355, 419
Kineton, 381
King, General, 419
Kingston (Surrey), 363
Kinneil, 330
Kirkton, Member of Charles' third Parliament, 166
Knipperdoling, 472
Knollys, Hanserd, 460
Knox, John, Political views of, 3

Lambeth Articles, 23
Lanark, Earl of, 331, 408

Langdale, Royalist general, 430
Langport, 432
Languet, Hubert, 7
Lansdowne, Battle of, 388
Laud, Archbishop, 133-136, 140, 147, 157, 164, 165, 167, 184-193, 230, 237, 240, 243, 245-247, 255, 263, 288, 289, 290, 298-301, 303, 458, 461, 468-470
"Laws of Ecclesiastical Polity" (Hooker), 6-8
League, Solemn, and Covenant, 406-414
Leicester, 430
Leighton, Alexander, Puritan pamphleteer, 184-185, 300, 304, 458, 480
Leith, 281, 283
Lennox, Duke of, 262, 425
Lenthal, Speaker of Long Parliament, 356, 470
Leslie, Alexander, Earl of Leven, 280, 282, 287, 288, 331, 358, 409, 417-420, 431, 439
Leslie, David, 419, 420, 436, 439
Liberty Statutes, The, 148, 149
Lichfield, 388
Lilburne, John, 192, 304
Lincoln, 420
Lindesay, Earl of, 254, 256, 267
Lindsay, Dr David, Bishop of Edinburgh, 247
Lindsey, Lord, 163, 181, 382, 402, 403
Linlithgow, Earl of, 235
Littleton, member of Charles' Third Parliament, 144, 145, 169; Recorder of London, 177; Solicitor-General, 182; Lord Keeper, 364
Lords, House of, co-operation with Commons, 80; attitude towards Petition of Right, 146, 152; agree to Bill of Attainder against Strafford, 321; reject Militia and Impressment Bills, 351; friction of, with Commons, 353, 354; impeach the bishops, 354
Lorn, Lord, 254, 263, 265
Lorraine, Duke of, 429, 431
Lostwithiel, Battle of, 420
Lothian, Earl of, 254, 267
Lothians, The, 371
Loudon, Lord, 235, 239, 240, 254, 258, 260, 267, 269, 283, 284, 329, 331, 402, 403, 423, 450
Louis XIII., King of France, 95, 116, 284-285, 286
Louis XIV., King of France, 320, 438
Lübeck, Peace of, 177
Ludlow, Parliamentary general, 414
Lumsdaine, Colonel, 420
Lunsford, Lieutenant of Tower, 351, 352, 353, 363
Lutter, Battle of, 137
Lützen, Battle of, 176
Lynne, 390
Lyon Herald, 256, 257

MacDonald, Alastair, 435
Magna Charta, 141, 142, 148, 180, 298
Mainwaring, High Church divine, 134, 157, 164, 168
Maitland, Lord (Earl of Lauderdale), 408, 424
Manchester, Earl of, 390, 392, 394, 419, 420, 422-424, 439
Manchester, Town of, 380
Mandeville (Earl of Manchester), 294
Mandeville, Lord Treasurer, 73
Mansell, Sir Robert, opponent of Buckingham, 112
Mansfeld, Count, 83, 90, 98, 107, 109, 137
Markham, Catholic plotter, 26
Maria, Infanta, of Spain, 91
Mariana, 4
Marston Moor, Battle of, 419-420, 435, 439
Martin, Sir Henry, 151
Martyn, M.P., in James' first Parliament, Speech of, on Impositions, 42
Mary, Queen of England, 2, 3
Mary, Queen of Scotland, 2, 198
Massachusetts, 474
Maurice, Prince, 388, 394
Maximilian, Duke of Bavaria, 83
Maxwell, Bishop of Ross, 262
Maxwell, James, Keeper of Black Rod, 302, 303
May, M.P. (1628), 168, 170
May, Thomas, Secretary of Long Parliament, quoted, 295, 312, 380, 389
Maynard, Member of Long Parliament, 314, 315, 316, 319, 344, 409, 423

Mazarin, French statesman, 443
Melrose, Earl of, 224, 227
Melville, Andrew, 22, 198, 204, 205, 206, 208-211
Melville, James, 208
Melville, Lord, 239
Menteith, Earl of, 224
Michell, Sir Francis, 72, 74, 75
Middleton, M.P. (1614), 51
Militia Bill, 337, 339, 350, 351
— Ordinance, 364, 365, 371
Milton, John, 192; his "Defence of Liberty of Printing," 415, 481-486; controversial writings of, 479-481
Mitchell, Dr, minister of Edinburgh, 262
Mompesson, Sir Giles, 63, 72, 74, 75
"Monarchy, The Trew Lawe of Free" (James I.), 60
Monopolies, Attack on, in 1601, 15-17, (1621) 71-75
Monro, General, 287, 405
Montague, Chief Justice of King's Bench, 41
Montague, High Church divine, 130-133, 164, 165, 168
Montaigne, Archbishop of York, 164
Montereul, French envoy, negotiations of, 443-444, 447, 454
Montrose, Earl of, Chancellor of Scotland, 206, 212
Montrose, Marquess of, 254, 257, 267, 281, 282, 288, 291, 292, 329, 331, 332, 405, 429, 431, 432-438, 439, 443
Moore, Francis, speech against monopolies, 16
Moore, Sir George, M.P. (1621), 81
Morgan, General, 152
Morton, Earl of, 262, 330
Mounteagle, Lord, 26
Mountnorris, Lord, 313
Münzer, Thomas, 472
Murray, Sir Andrew, 260
Murray, Sir Robert, 442, 443

Nantes, Edict of, 28
Nantwich, Battle of, 390
Napier, Lord, 245
Naseby, Battle of, 430, 440
Neile, Bishop of Lincoln and Winchester, 53, 59, 168, 171, 174
Nethersole, M.P., Charles' third Parliament, 144
Nevil, Christopher, 54
Nevill, Sir Henry, 51, 54
Newark, 418, 431
Newburn, Fight of, 288
Newbury, First Battle of, 389, 390, 395; second battle of, 421
Newcastle, Earl of, 281, 382, 385, 388, 390, 418-420, 434
Newcastle, Town of, 288, 289, 418, 420, 439
"New Gag for an Old Goose," controversial work by Montague, 130
New Model, The, 424, 428, 429, 430, 471, 472
Nicholas, Secretary of State, 287, 331, 334-335, 338, 344
Nithsdale, Earl of, 234
North, Council of, 160, 308, 313
Northampton, 381
Northumberland, County of, 289; protest of the gentry of, 417, 418
Northumberland, Earl of, 181, 287, 317, 367
Nottingham, Raising of King's standard at, 372, 380; Charles leaves, 381
Noy, M.P. (1628), 168; Attorney-General, 177, 178
Nye, Philip, Puritan divine, 409, 462

O'Neil, Sir Phelim, Irish Catholic leader, 338, 349
Ordinance, The Self-Denying, 424, 428
Ormonde, Duke of, 339, 349, 390, 423, 429
Osborne, Sir Edward, 289
Overall, Bishop, Political views of, 129, 130
Owen, M.P. (1614), 52, 54
Oxford, 109, 380, 381, 382, 384, 391, 397, 402, 408, 417, 418, 426, 430, 431, 432, 443, 464

Pacification, Treaty of, 329, 402, 408
Palmer, Member of Long Parliament, 346
Panzani, papal agent, 192
Parliament under Henry VIII., 1; position of, under Elizabeth, 8-17; James I. and his first, 30-47; the "Addle" Parlia-

ment, 51-54; third Parliament of James I., 68-89; fourth Parliament of James I., 91-97; first Parliament of Charles I., 107-113; second Parliament of Charles I., 116-128; third Parliament of Charles I., (first session) 140-158, (second session) 165-172; the Short, 286; the Long, (first session of) 295-329, (second session of) 336-360; Triennial Parliaments, 306; supremacy of, 362-371; negotiations of, with Charles I. (1642-1643), 382-387; financial expedients of Long, 396-397; military reforms of, 397-398, 423-424; negotiations with the Scottish General Assembly and Scottish Estates, 398-409; Royalist Parliament of Oxford, 417, 429; negotiations of, with Charles (1644-1645), 424-428; friction of, with Scots, 439-442, 445; negotiates with Charles over Newcastle Propositions, 446-449; with the Scots over payment of arrears and fate of king, 449-452; supremacy of, over the Church, 466-467
Parsons (Doleman), 2
Peacham, Vicar of Hinton St George, Case of, 56, 57
Peard, Member of Long Parliament, 346
Pembroke, Earl of, 367
Pennington, Admiral, 280, 348, 353, 358, 360, 363, 367
Pennington, Alderman, 308
Percy, Catholic plotter, 26
Perrot, M.P. (1621), 84
Persecuting spirit of Puritans and Presbyterians, 412-414
"Persecution for Religion Judged and Condemned," 474
Perth, Earl of, 332
Perth, Five Articles of, 217-227, 229-231, 240, 258, 263, 264, 266, 270, 277
Peters, Hugh, 460, 462
Petition of Right, The, 144-146, 150-157, 163, 166, 180, 298
Phelips, Sir Edward, Speaker, (1604), 30; M.P. (1621), 68, 84, 89; (1625), 107, 112, 113, 114, 131; disabled by Charles I., 116, 137; Member of Charles third Parliament, 142, 143, 146, 155
Philip II., King of Spain, 10, 29
Philip III., King of Spain, 63, 70
Philip IV., King of Spain, 82, 83, 84, 93
Philiphaugh, Battle of, 437, 438
Piers, Bishop of Bath and Wells, 304
Pilgrim Fathers, The, 187, 460
Pitscottie, Colonel, 420
"Plea for Liberty of Conscience, A," 473
Plymouth, 388, 391, 420
Pole, Cardinal, 2
Ponet, Bishop, 2, 3; his "Treatise of Politique Power," 3-5
Portland, Earl of, 178
Powick Bridge, Skirmish of, 381
Poyntz, Parliamentary general, 431
Prerogative, the Royal, Cowell's interpretation of, 39; James' sensitiveness as to, 40, 48; his assertion of, 56, 59-60; Lords' clause safeguarding, 146, 147
Presbyterianism, Scottish, System of, 198-203; political tendency of, 203-204; establishment of (1592), 204, 207; disestablishment of, 214; re-establishment of, 277; establishment of, in England, 439, 466; intolerant tendency of, 457-459
Privy Council, Committee of English, for Scottish Affairs, 266, 317
Propositions of Newcastle, 446, 451
— The Fourteen (Oxford), 384, 385
"Protestation Protested, The," 462
Protestation against Service Book, 250-251
Providence, colony of, Toleration in, 475
Prynne, Puritan writer, 184-186, 190-192, 300, 304, 458, 480
Public Safety, Committee of, 392, 409
Puritans, The early, 5-6, 19; conference with James I., 23; the Commons champion toleration for, 45, 46; increase of, 90; intolerance of, 106-107; views of, 129, 136, 165-168; persecution of, 184-193; atti-

tude of, towards Scotland, 293, 294; extreme views of, 334-335; spirit of, in Civil War, 376-380; in New England, 474-477
Pym, Member of James' third Parliament, 68, 84; Charles' first Parliament, 107; Charles' second Parliament, 116-122, 160; denounces High Church doctrines, 166-167; leads Opposition in Short Parliament, 286; in Long Parliament, 296-297; accuses Strafford, 301, 302; protects Cromwell, 311; manager of impeachment of Strafford, 312; his charges against Strafford, 314, 315; supports Bill of Attainder against Strafford, 320; presents ten propositions, 326; leader of majority of Commons, 333-336; his ultra-Protestant zeal, 334, 335; proposes Grand Remonstrance, 341; speech in favour of, 345; charged with high treason, 355; surrender of, demanded by Charles, 356-357; criticism of his policy, 373-375; death, character, and work of, 409-412

Raleigh, Sir Thomas, 26
Raleigh, Sir Walter, 65
Raphoe, Bishop of, 262
Rates, Book of, 38
Reading, 382
Recusants, Laws against, 26-29, 70, 108
Reformation, English, Political effects of, 1, 2
— the Scottish, Character of, 198
Remonstrance, The Grand, 337, 339, 341-347, 349-351
Responsibility of Ministers to Parliament, 114
Reynolds, Puritan divine, 23
Revocation, Act of, 231, 233-236, 240, 241, 290
Richard II., King of England, 120
Richelieu, 178
Ripon, Treaty of, 289
Robinson, John, 460-462, 474
Robinson, Henry, 460
Rolles, M.P., Charles' third Parliament, 166, 168, 169, 170
Root and Branch Bill, 309-312, 327-328
Roses, Wars of, 1
Rothes, Earl of, 224, 235, 240, 242, 249, 253, 254, 257, 258, 260, 262, 264, 267, 269, 270, 273, 282, 328-329
Roundheads, Origin of term, 353
Roundway Down, Battle of, 388
Rous, M.P., Charles' third Parliament, 166, 167
Row, quoted, 238, 244
Rowton Heath, Battle of, 431
Roxburgh, Earl of, 248, 263, 281, 356
Rudyard, Member of Long Parliament, 296, 297, 298-299, 300, 344
Rupert, Prince, 378, 381, 382, 392, 394, 418, 419, 420, 430, 434
Rushworth, assistant clerk of Long Parliament, quoted, 237, 268, 347, 353, 357, 365
Rutherford, Samuel, 463

Salisbury, Lord, Secretary of State and Lord Treasurer, 37-41, 46, 50, 51; foreign policy of, 63
Sandys, Sir Edward, M.P. (in 1614), 51, 52, 53, 54; (in 1621), 68, 84; (1625), 107; (1626), 116
Savile, Lord, 294, 386
Saye, Lord, 152, 180, 294, 305, 462
Scotland, Condition of, at end of sixteenth century, 195-197; contrast with England, 195-196; Parliament of, 197-198, 214, 224-225, 231-232, 236, 238, 240, 283-284, 287, 290-291, 329-331, 405-408, 437, 441; services of, to political liberty, 292-294
Seekers, The, Puritan sect, 472
Selby, 418
Selden, Member of Charles' second Parliament, 116, 122; of third Parliament, 144, 145, 172; Member of Long Parliament, 346, 463
Separatists, The, 459-461
Service Book, Scottish, 245-256, 263, 264, 266, 270, 277, 279
Seymour, M.P. (1625), 110, 115, 131; disabled from Charles' second Parliament, 116; dismissed from office of justice, 137;

Member of Charles' third Parliament, 143; of Long Parliament, 296
Sherburn, Correspondence of, quoted, 62
Shilton, Solicitor-General, 144
Ship-money, 178-184, 304, 308, 326
Shrewsbury, 419
Sibthorpe, High Church divine, 134
Simson, minister of Dalkeith, 218
"Sion's Plea against Prelacy," 184-185
Skippon, General, 389, 420
Slyngesbie, Captain, Correspondence of, 348, 358-359
Smith, Correspondence of, quoted, 363
Smith, Sir Thomas, 6
Smyth, John, 460, 472
Socinians, The, 472
Solemn League and Covenant, 406-414, 417, 422, 425, 426, 450, 464
Somerset, Earl of, 50, 53, 62
Soul Sleepers, The, 472
Southampton, Earl of, 425
Southesk, Earl of, 265
"Sports, Book of, or Declaration of," 189, 190
Spottiswood, Archbishop of Glasgow and St Andrews, 206, 217, 219, 220, 221, 227, 230, 232, 243, 245-248, 249, 256, 262, 263
St Giles', Riot in, 247, 248
St John, Oliver, refuses to pay benevolence, 55; counsel for Hampden, 182; M.P. Long Parliament, 301, 393, 460, 463
Stade, 154
Stamford, Lord, 388
Stapleton, General, 389
Star Chamber, Court of, 168, 185, 186, 190, 296, 308, 312, 326
Stirling, 256, 433
Strafford, Earl of, commands army against Scots, 288; his methods, 298; arrest of, 301-303; impeachment of, 312-318; Bill of Attainder against, 319-322; execution of, 322-324
Strangways, Sir John, Member of Long Parliament, 309, 311
Stratoun, Sir Alexander, 206
Stratton, 388
Strickland, M.P. in Elizabeth's reign, 13
Strode, Member of Long Parliament, 266, 301, 306, 355
Struggle between King and Parliament, Stages of, 19-20
Struthers, minister of Edinburgh, 230
Suffolk, Duke of (Richard II.), 120
Suffolk, Lord Treasurer, 62
Sutherland, Earl of, 260

Tables, The Four, 254, 258, 264, 266, 272, 283
Tailors' Hall, The, Edinburgh, 261
Tate, Zouch, Member of Long Parliament, 424
Taxation, Arbitrary, 144
Temple, Lady, 386
Tilly, Imperial general, 90, 137
Tippermuir, Battle of, 435
Toleration, Question of, in James I.'s reign, 19-29, 90-91, 95; Charles I., 106-107; champions of, 456-486
Tonnage and Poundage, Act of, (James I.) 31; (Charles I.) 109, 157-158, 163, 165, 166, 168-172, 326
Torrington, 432
Totness, Earl of, 119
Traquair, Earl of, 243, 245, 252, 253, 254, 255, 256, 257, 263, 281, 284
Traskites, The, 472
Tresham, 26
Trevor, English Puritan divine, 458
Triennial Bill, 323, 339
Tullibardine, Lord, 435
Turnham Green, 382
Turriff, Trot of, 282
Tyndale, views on kingly power, 2

Ulster, 405
Union, James I.'s scheme of, 31, 34
Usher, Archbishop, 480
Uxbridge, Negotiation of, 425, 431, 445

Valentine, M.P. (1629), 170-172, 173
Vane, Sir Harry, 317, 406, 407, 409, 460, 462
Vere, English general in Thirty Years' War, 83
Verney, Sir Edmund, quoted, 282, 378

Villiers, Christopher, 63
Villiers, George, Rise of, 62
Villiers, Sir Edward, 73
"Vindication against Tyrants" (Languet), 7
Vorstius, Arminian divine, 136

Wakefield, 388, 395
Wallenstein, Imperial general, 137
Waller, General, 379, 388, 389, 394, 395, 418, 420-421, 429
Waller, Member of Long Parliament, 344
Walton, Colonel, 419
Wandesforde, M.P. (1626), 122
Warwick, Earl of, 294, 367, 371
Warwick, Sir Philip, Secretary to Charles I., 380
Watson, Catholic plotter, 26
Webb, Mr, quoted, 379
Welch, minister of Ayr, Trial of, 207
Welde, Thomas, 462
Wemyss, Earl of, 248, 256, 267
Wentworth, Member of James' first Parliament, 41, 47; of second Parliament, 51, 53, 54; of Charles' first Parliament, 131; of Charles' second Parliament, 116
Wentworth, Peter, 15
Wentworth, Sir Thomas, Member of James' second Parliament, 51; Member of third Parliament, 68, 85; disabled from Parliament, by Charles I., 116; dismissed from office of justice, 137; imprisoned, 138; speech against arbitrary government, 142, 143; supports Bill to enact Liberty Statutes, 148-149; apostasy of, 160-162, 177; Lord Deputy of Ireland, 177, 181, 182, 188; advice of, relative to Scottish affairs, 265-266, 280, 285. (See also under Strafford.)
Westminster Assembly of Divines, 400, 408, 426, 438-441, 462-470, 471
Weston, M.P., (1614) 51, (1625) 110
Weston, Sir Richard, Chancellor of Exchequer, 110, 111, 119, 143, 163; Lord Treasurer and Earl of Portland, 171, 172, 174, 178
Wharton, Nehemiah, Correspondence of, quoted, 379
Whitby, M.P. (1626), 122
White, Mr, Puritan divine, 409
Whitelocke, Bulstrode, 314, 319, 386, 409, 423, 424, 463
Whitelocke, Member of James' first Parliament, 43; of second Parliament, 51, 52
Whitney, Mr, quoted, 3
Williams, Dean of Westminster, 74; Lord Keeper and Bishop of Lincoln, 79, 116, 135, 136, 152, 189; Archbishop of York, 352
Williams, Roger, 460, 474-477
Willoughby, 394
Wilmot, Cavalier general, 381
Winceby, Fight of, 395, 396
Windebank, Secretary, 303
Winter, Catholic plotter, 26
Winthrop, John, 187
Winwood, Secretary of State, 51, 52
Wiseman, Correspondence of, 360
Wishart, Dr, Montrose's chaplain, 433
Worcester, 381, 432
Wotton, M.P. (1614), 52
Wren, Bishop of Ely, 304
Wroth, Sir Robert, 16

Yelverton, M.P. in Elizabeth's reign, 13
Yelverton, M.P. in James' first Parliament, Attorney-General and Justice of Common Pleas, 42, 73, 75
Yester, Lord, 267
Young, Dr, 222, 225
Young, Thomas, 480
York, 288, 418, 420

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